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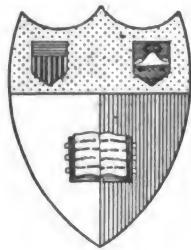
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THE UNIVERSITY OF NORTH CAROLINA

# The James Sprunt Historical Publications

PUBLISHED UNDER THE DIRECTION OF

The North Carolina Historical Society

J. G. DE ROULHAC HAMILTON  
HENRY MCGILBERT WAGSTAFF } *Editors*

VOL. 16

No. 1



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A COLONIAL HISTORY OF ROWAN COUNTY  
NORTH CAROLINA

BY  
SAMUEL JAMES ERVIN, JR.

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## A COLONIAL HISTORY OF ROWAN COUNTY, NORTH CAROLINA

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### CHAPTER I

#### DESCRIPTION OF ROWAN COUNTY

The heirs of the eight noblemen to whom Charles II had granted Carolina in 1663 found that vast territory an unprofitable and unruly charge. In 1728, therefore, the owners of seven of the eight equal undivided shares offered to sell all their interest in Carolina to the Crown, and the proposition was accepted. In the following year the purchase was completed, the seven proprietors who surrendered their claims receiving 17,500 pounds sterling, and the relinquishment of the lands being confirmed by an act of Parliament. John, Lord Carteret, afterwards created Earl Granville, alone of the eight lords retained his share.<sup>1</sup>

In 1744, his part of Carolina was set off for him by grant from George II, all the territory lying between the Virginia line on the north and the parallel of 35° 34' on the south being allotted to him. The eastern boundary of this immense tract was the Atlantic Ocean and the western, the Mississippi River.<sup>2</sup>

At this time the portion of this grant west of the present eastern boundaries of Randolph, Guilford, and Rockingham counties was just being entered by enterprising settlers. It is with the region west of the above-mentioned boundary lines that this sketch is to deal. This region embraced the northern part of two of the three great natural divisions of North Carolina—the Piedmont section and the Mountain section.

The part included in the Piedmont is blessed by nature with countless streams and an endless succession of hills and valleys which increase as one goes westward. Its climate is invigorating and wholesome. The soil is very fertile, especially along the banks of the rivers and creeks. The earth contains great mineral wealth in the form of coal, iron, gold, and other metals, ores, and min-

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<sup>1</sup> Ashe, 217; Williamson, 26-27.  
<sup>2</sup> Col. Rec., IV, x.

erals. Among the trees found in the forests are the white oak, the white hickory, the white ash, the elm, the maple, the beech, the poplar, the persimmon, the black walnut, the yellow pine, and the mulberry.

Most of what has been said of the Piedmont district is also applicable to the Mountain division. The Blue Ridge Mountains—a portion of the Appalachian Range—lie partly within its borders. Here the wild cherry, the white pine, the hemlock, the black birch, the white walnut, the chestnut, the beech, the locust, and many other trees grow. The mineral resources of this section are more abundant than those of the Piedmont. The Mountain region is above all else a land of health and beauty.<sup>3</sup>

The earliest visitor to this territory who recorded anything was John Lawson, the Surveyor-General of the Province of North Carolina. In December, 1700, accompanied by several other Englishmen and Indian guides, he left Charleston for an exploration of the northern province.<sup>4</sup> His tour extended as far west as the section later erected into Rowan County. The land embracing the southern part of the county as it now stands and the counties to the south he described as "Pleasant savanna ground, high and dry, having very few trees upon it, and those standing at a great distance. The land was very good and free from grubs or underwood. A man near Sapona (the Yadkin) may more easily clear ten acres of ground than in some places he can one; there being much loose stone upon the land, lying very convenient for making of dry walls or any other sort of durable fence. The country abounds likewise with curious, bold creeks, navigable for small craft, disgorging themselves into the main rivers that vent themselves into the ocean. These creeks are well stored with sundry sorts of fish and fowl, and are very convenient for the transportation of what commodities this place may produce."<sup>5</sup>

Lawson continued his journey a few miles further north, passing through a country which he characterized as "a delicious country; none that I ever saw exceeds it." Fine bladed grass, six feet high, grew along the creeks, and the sepulchres of dead In-

<sup>3</sup>Hand-book of N. C., 22-46.

<sup>4</sup>Lawson, 19.

<sup>5</sup>Lawson, 80.

dians were seen. Lawson found the town of the Sapona Indians located in an open field about a mile square on the fertile and pleasant banks of the Sapona River, as the Yadkin was then called.<sup>6</sup> This town was near Trading Ford, a few miles east of the site of the present city of Salisbury. Trading Ford was so called because it was on the ancient Trading Path which traders from Virginia traveled at an early date in going to the Catawbas and other southern Indians.<sup>7</sup>

Lawson was delighted with the scenes around the Yadkin. He says: "This most pleasant river may be something broader than the Thames at Kingston, keeping a continual warbling noise, with its reverberating on the bright marble rocks. . . . One side of the river is hemmed in with mountainy ground, the other side proving as rich a soil as any this western world can afford."<sup>8</sup> A numerous train of swan and other water fowl were on the stream and many small birds sang upon its banks.<sup>9</sup>

The travelers were entertained by the old king of the Saponas, who proved very friendly to the white men. Neighboring tribes of Indians were the Toteros, who inhabited the "westward mountains," and the Keyauwees, who dwelt in a village about forty miles west of Trading Ford. These three nations were small, and at that time were planning to combine in order to strengthen themselves and become formidable to their enemies. About ten days before Lawson's arrival among them the Saponas captured five northern Indians. Indians from the north ranged over the country and were a terror to the less warlike tribes of the south. The Saponas were preparing to put the captives to death with cruel torture, but released them upon the request of the Toteros, some of whom, when taken prisoners by the northern Indians a short time before, had been kindly treated and permitted to return to their own people.<sup>10</sup>

The old king of the Saponas took much pride in several horses which he owned. Lawson was highly pleased with the country. Every step, he declared, presented some new object to his view.

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<sup>6</sup>Lawson, 81.

<sup>7</sup>Rumple, 15.

<sup>8</sup>Lawson, 81.

<sup>9</sup>Lawson, 88.

<sup>10</sup>Lawson, 82-84.

Beavers, swan, geese, and deer were plentiful in the neighborhood of the Yadkin. During the stay of the explorers at Sapona town a party of the Toteros, "tall, likely men," came down from the west "having great plenty of buffaloes, elks, and bears with other sort of deer amongst them." One of the Indian doctors acquainted Lawson with a large quantity of medicines that were produced in those parts.<sup>11</sup>

After remaining several days at Sapona Lawson's party made a two days trip to the westward. The country became more mountainous and many streams were crossed. At a distance of some thirty or forty miles west of the Yadkin they reached the town of the Keyauwees, situated five miles northwest of a rocky river called the Heighwaree. Near the town was another stream. The land was "more mountainous, but extremely pleasant and an excellent place for the breeding (of) sheep, goats, and horses or mules." The valleys were very fertile. The village of the Keyauwees was encircled by high mountains, and large cornfields adjoined the cabins of the savages. No grass grew upon the high cliffs and the growth of trees upon them was sparse. The earth in this region was of a reddish color, which Lawson said signified the presence of minerals.

The Keyauwees received the travelers with hospitality. Lawson lodged at the house of Keyauwees Jack, a Congaree Indian, who had obtained the chieftainship through marriage with the queen, for among the Indians descent was counted on the female side. The Keyauwees were unique in that most of them wore mustaches or whiskers—a habit rarely practiced by Indians.<sup>12</sup>

Two or three days were spent with the Keyauwees. Most of the members of Lawson's party desired to go straightway to Virginia, but he was determined to continue his course to the coast of North Carolina. He and one companion, therefore, bade farewell to the rest of the group. On the third day's journey, after passing over many waters and through rich lands, they reached the Haw River, whence they made their way to the coast of the province.<sup>13</sup>

Lawson did not penetrate the wilderness as far westward as the Catawba nation. Nor did he learn anything of the powerful

<sup>11</sup>Lawson, 84-85.

<sup>12</sup>Lawson, 87-91.

<sup>13</sup>Lawson, 92-105.

Cherokees who lived beyond the mountains and who at a future date were to make incursions into the settlements, bringing devastation and destruction with them. The Saponas, Keyauwees, and Toteros combined with several small tribes and removed to Virginia soon after Lawson's departure. After dwelling in Virginia, a few miles north of the Roanoke, for twenty-five years, they returned to Carolina and lived with the Catawbas.<sup>14</sup>

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## CHAPTER II

### THE SETTLEMENTS AND BOUNDARIES OF ROWAN COUNTY

The exact date of the appearance of settlers in Rowan County cannot be determined. We have already seen that long before the cabin of a permanent settler was erected traders from Virginia frequented the region in order to barter with the Indians. The chief contributors to the population were the Scotch-Irish Presbyterians from the north of Ireland, the Germans, usually known as Pennsylvania Dutch, who adhered to the tenets of the Lutheran and German Reformed Churches, and the Moravians, or United Brethren, from Moravia and Bohemia. From time to time men belonging to no one of these groups came to the frontier, but such settlers formed a small part of the total number of inhabitants.

The Scotch-Irish were the most active and probably the most numerous part of the population. These people were Scotch in blood, being descendants of the Scotch whom the English rulers had placed on the confiscated lands of Irish rebels in the Province of Ulster, in north Ireland, during the seventeenth century. To distinguish them from the natives of Scotland they have received the name of Scotch-Irish.<sup>1</sup> Some forty years prior to the outbreak of the Revolutionary War they began to flock to America. Foote, in his "Sketches of North Carolina," assigns their migration to three causes, namely: religion, politics, and property.<sup>2</sup> Disabilities were imposed upon them because they were not members of the established church of Ireland; they desired more political

<sup>14</sup> Ashe, 180.

<sup>1</sup> Foote, 84-90.

<sup>2</sup> Foote, 120.

liberty than they enjoyed in the old world; and the ease with which land could be obtained in America was a third powerful incentive to their coming hither.<sup>3</sup>

Some came to Charleston and pushed into the frontier country from that place, but most of them landed in Pennsylvania and, after making some settlements in that province, turned southward, and by 1739 located in the Valley of Virginia.<sup>4</sup> The administration in Virginia was constantly opposed to religious freedom. Earl Granville disposed of his lands in Carolina upon favorable terms, for he desired to increase their value by rapid settlement.<sup>5</sup> Therefore, influenced by the inviting nature of the climate and soil, the peacefulness of the Catawba Indians and the laxity of North Carolina laws in comparison with those of Virginia on the subject of religion, the Scotch-Irish passed through the vacant lands in Virginia, in the neighborhood of their countrymen, and made homes for themselves in western North Carolina. As early as 1740 a few families were located on the Hico, Eno, and Haw rivers in the territory just east of Rowan.<sup>6</sup>

By the year 1745 the Scotch-Irish had established themselves in the fertile and well-watered area between the Yadkin and the Catawba, and previous to 1750 their settlements were scattered throughout the region from Virginia to Georgia.<sup>7</sup> The Scotch-Irish settled mainly in the country west of the Yadkin. Among these immigrants were the Nesbits, Allisons, Brandons, Luckeys, Lockes, McCullochs, Grahams, Cowans, Barrs, McKenzies, Andrews, Osbornes, Sharpes, Boones, McLauchlins, and Halls.<sup>8</sup> The Scotch-Irish have ever been known as a religious, brave, and liberty-loving people. Among other families from the British Isles who appeared in Rowan at an early date we find the names of Cathey, McCorkle, Morrison, Linville, Davidson, Reese, Hughes, Ramsay, Brevard, Winslow, Dickey, Braley, Moore, Emerson, Kerr, Rankin, Torrence, Templeton, Houston, Hackett, Rutherford, Lynn, Gibson, Frohock, Smith, Bryan, Little, Long, Steele, Bell, Macay, Miller, Blackburn, Craige, Stokes, Caldwell, Dunn, Gillespie, and many others.

<sup>3</sup> Williamson, 70-71.

<sup>4</sup> Ashe, 276.

<sup>5</sup> Williamson, 71.

<sup>6</sup> Col. Rec., V, 1198.

<sup>7</sup> Ashe, 276; Col. Rec., V, 1198.

<sup>8</sup> Rumble, 24.

The Scotch-Irish were soon followed by another stream of immigrants—the Germans who had previously located in Pennsylvania. The route which the German and Scotch-Irish settlers took in making the overland journey from Pennsylvania to western North Carolina is described by Colonel Saunders as follows:

On Jeffrey's map, a copy of which is in the Congressional Library at Washington City, there is plainly laid down a road called "the Great Road from the Yadkin River through Virginia to Philadelphia, distant 435 miles." It ran from Philadelphia through Lancaster and York to Winchester, thence up the Shenandoah Valley, crossing the Fluvanna River to Looney's Ferry, thence to Staunton River, and down the river through the Blue Ridge, thence southward, crossing Dan River below the mouth of Mayo River, thence still southward near the Moravian settlement to the Yadkin River, just above the mouth of Linville Creek and about ten miles above the mouth of Reedy Creek.<sup>9</sup>

The Germans did not extend their settlements quite so far west as the Scotch-Irish did. They were industrious and economical in their habits and formed a valuable part of the population. As the laws were written and expounded in English and all public business was transacted in that language, the Germans were incapable, in most instances, of participating in public affairs.<sup>10</sup> The process whereby they were naturalized was the taking of several oaths prescribed by law and the repeating and subscribing of the test. The test, as entered on the court records of the county, was in this form:

I, A. B., do believe in my conscience that there is not any transubstantiation in the sacrament of the Lord's Supper or in the elements of bread and wine at or after the consecration thereof by any person whatsoever.<sup>11</sup>

Among the early German settlers appear the names of Bernhardt, Heilig, Meisenheimer, Beard, Mull, Rintelman (Rendleman), Layrle (Lyerly), Kuhn (Coon), Friese, Eisenhauer, Suther, Winecoff, Cress, Walcher, Harkey, Savitz, Henkel, Moser, Braun (Brown), Lingle, Fisher, Berger, Lippard, Peeler, Holtzhauer, Klutz, Roseman, Foet, Shupping, Beam, and Buin.

<sup>9</sup>Col. Rec., IV, xxi.

<sup>10</sup>Rample, 29.

<sup>11</sup>Col. Rec., VII, 521-522.

Other settlers from Virginia and the north came by a route further east that passed through the section now embraced by Caswell County.<sup>12</sup>

Immigrants poured into the western country very rapidly. In 1751 Governor Johnston informed the Board of Trade that settlers flocked into the province daily, mostly from Pennsylvania and other parts of America, but some from Europe. Many thousands had then come in and settled mainly in the west so that they had almost reached the mountains. In 1746 Matthew Rowan estimated that there were not more than one hundred fighting men in the entire western part of the province between Virginia and South Carolina. Seven years later he thought that there were then at least three thousand fighting men in the same territory, and stated that their numbers were increasing rapidly. These settlers were for the most part "Irish-Protestants" (Scotch-Irish) and Germans.<sup>13</sup>

These settlers, coming as they did in groups, located in neighborhoods to themselves, forming respectively Scotch-Irish and German communities, scattered throughout the wilderness, and maintaining their own customs, speech, and characteristics, and largely transmitting them to posterity.<sup>14</sup>

About 1750, Quakers from the north located at New Garden, in what is now Guilford County, and from time to time were joined by others of that sect so that a distinctly Quaker settlement was formed there.<sup>15</sup>

The bitter persecutions which they suffered in their native lands of Moravia and Bohemia for the sake of their religion and the desire to preach "the pure gospel of love" to the inhabitants of America and to preach to the Indians prompted the Moravians to seek homes in the western world. The Moravians were well known for their thrift and industry, and Earl Granville, who desired to people his grant in North Carolina with worthy settlers, made them a liberal offer.<sup>16</sup>

In the autumn and winter of 1752, Bishop Spangenberg, who was sent by the *Unitas Fratum*, or Moravian Church, to select a

<sup>12</sup>Ashe, 277.

<sup>13</sup>Col. Rec., IV, xxi; Col. Rec., V, 24, 25.

<sup>14</sup>Ashe, 277.

<sup>15</sup>Weeks, 104-105.

<sup>16</sup>Clewell, 1-8.

place for their settlement, made an extensive tour of western North Carolina. Leaving Edenton in September, on November 12th he camped on the Catawba near what he called the "Indian Pass." The nearest cabin was that of Jonathan Weiss, or Perrot, a hunter, twenty miles distant. The bishop found a number of hunters in the vicinity who lived like Indians and secured furs and skins for sale. A week later he was near Quaker Meadows, about two miles from where the town of Morganton now stands, which he considered to be fifty miles beyond the settlements. Bands of Cherokees pursuing game filled the woods. Continuing his course northward, he found remains which indicated that Indians had inhabited the country in earlier times.<sup>17</sup>

It being in the beginning of winter and his guide mistaking the way, Spangenberg's party entered the mountains where they endured great hardships and difficulties owing to the severity of the weather. Happening upon a branch of New River, they followed that stream to within fifteen miles of the Virginia line. Then, with the aid of a compass, they traveled directly southeast through the wilderness and finally reached the Yadkin River, after having been lost in the Blue Ridge Mountains for two weeks. Here—a few miles from the present town of Wilkesboro—they rested with a Welshman named Owen, who had built his cabin far from the settlements. Spangenberg understood that there was no other habitation within sixty miles.<sup>18</sup>

On December 27, the bishop reached the site of Wachovia, on Muddy Creek, in the present county of Forsyth. He surveyed about 73,000 acres of land. Spangenberg's Journal says "the most of this land is level and plain, the air fresh and healthy, and the water good."<sup>19</sup> More land was afterwards added, so that in August, 1753, Earl Granville conveyed 98,985 acres to the Moravians.<sup>20</sup> The grant received the name of the "Wachovia Tract" in honor of one of the titles of Count Zinzendorf, a leader of the Moravian Church of Austria.<sup>21</sup>

On April 3, 1753, a petition bearing the signatures of 348 of the inhabitants of the upper and frontier portions of Anson

<sup>17</sup>Col. Rec., V, 1 *et seq.*; Ashe, 278; Clewell, 6-9.

<sup>18</sup>Col. Rec., V, 1-14; Ashe, 278-279; Clewell, 8-9.

<sup>19</sup>Col. Rec., V, 14.

<sup>20</sup>Clewell, 12.

<sup>21</sup>Bernheim, 156.

County, which comprehended most of the western part of North Carolina, was read in the lower house of the General Assembly. The petitioners set forth the great difficulties they had to undergo in traveling the vast distance to the courthouse of Anson County and prayed that the frontier section of the county be erected into a new one.<sup>22</sup> Two days later Mr. Sampson introduced a bill to this effect, and the bill in its final form received the assent of Matthew Rowan, the acting governor, on April 12th.<sup>23</sup> The section of the act defining the boundaries of the new county, which was named in honor of Matthew Rowan, read as follows:

Be it enacted . . . that Anson County be divided by a line, to begin where Anson line was to cross Earl Granville's line, and from thence, in a direct line north, to the Virginia line, and that the said county be bounded to the north by the Virginia line, and to the south by the southermost line of Earl Granville's land; and that the upper part of said county, so laid off and divided, be erected into a county and parish, by the name of Rowan County and St. Luke's Parish; and that all the inhabitants of the westward of the said line, and included within the before-mentioned boundaries, shall belong and appertain to Rowan County.

The design was to include in Rowan all that part of Anson which lay within Earl Granville's tract, that is, all north of latitude  $35^{\circ} 34'$  as far north as the Virginia line. As near as can be determined, the eastern boundary of the new county was a line running north and south along the eastern boundaries of the present counties of Randolph, Guilford, and Rockingham. The southern boundary line, beginning at the southeast corner of Randolph, ran due west along Earl Granville's line, on the south side of Randolph, Davidson, Rowan, and Iredell, as they now exist, to the Catawba River a short distance above Beattie's Ford, thence due west, cutting into Lincoln County and running a few miles north of Lincolnton, through Cleveland and Rutherford, through Hickory Nut Gap, and on through Buncombe, Haywood, Jackson, Macon, and Cherokee, and on to the westward indefinitely. According to the terms of the act Rowan extended as far west as the South Seas. At the time, however, the region west of the moun-

<sup>22</sup>Col. Rec., V, 59-60.

<sup>23</sup>Col. Rec., V, 53.

<sup>24</sup>State Rec., XXIII, 890.

tains was unknown and the French territory of Louisiana practically made the Mississippi River the western limit.<sup>25</sup>

In 1754, the act to establish Rowan County was revoked by George II simultaneously with the acts establishing Orange and Cumberland, which had been passed a short time before. Arthur Dobbs, the newly arrived governor, in a letter to the Board of Trade, dated November 9, 1754, recommended that such be done.<sup>26</sup> The reasons assigned for the revocation of these acts are that the General Assembly had begun to exercise more authority than was entirely agreeable to the royal government in England, and by the establishment of new counties the Assembly was increased in membership too rapidly.<sup>27</sup> In 1756 the Assembly itself repealed the act creating Rowan.<sup>28</sup> In the same year, however, with the consent of the king, Rowan, Orange, and Cumberland were reestablished with the same boundaries and limits as formerly, and all deeds and conveyances of land made during the period of the revocation were declared valid.<sup>29</sup> Salisbury had already been selected as the county-seat of Rowan and a village had commenced to grow up there.<sup>30</sup>

In the autumn of the year in which the Wachovia Tract was conveyed to the Moravians the first colonists, twelve unmarried Brethren, came overland from Bethlehem, Pennsylvania, where a strong Moravian settlement existed, and founded Bethabara. The group consisted of the Rev. Bernhard Adam Grube, the pastor, Jacob Loesch (Lash), the warden or business manager, Dr. Hans Martin Kalberlahn, a physician, Hans Peterson, a tailor, Christopher Merkly, a baker, Herman Loesch (Lash), a farmer, Erich Ingebretsen, a carpenter, Johannes Lisher, a farmer, Henrich Feldhausen, a carpenter, Jacob Lung, a gardener, Friedrich Jacob Pfeil, a shoemaker and tanner, and Jacob Beroth, a farmer.<sup>31</sup> The zeal with which the Moravians labored in their new home is best described by Dr. Clewell.

During the first year not less than fifty acres of land had been prepared for farming purposes. They recognized that, in this sparsely set-

<sup>25</sup>Rumple, 82-88.

<sup>26</sup>Col. Rec., V, 151.

<sup>27</sup>Rumple, 84-85.

<sup>28</sup>State Rec., XXIII, 446-447.

<sup>29</sup>State Rec., XXIII, 470-471.

<sup>30</sup>Col. Rec., V, 855.

<sup>31</sup>Clewell, 18-31.

tied section, it would be difficult to secure provisions, hence at the very outset they began to raise cattle and to plant a variety of grain for their future use and comfort. In the first summer they gathered wheat, corn, flax, millet, barley, oats, buckwheat, turnips, cotton and tobacco, in addition to the garden vegetables. Fruit trees were planted and various kinds of medicinal herbs. . . . Diversity of industries is said to be the real test of the prosperity of a place. In 1754, with the great strain of clearing land and building houses, we find the record of trade commenced with their neighbors, and the notes indicate that they had in operation the following: Carpenter shop, shoe shop, tailor establishment, tannery, pottery, cooper shop, blacksmith shop.<sup>32</sup>

In October, 1755, two years after the establishment of Rowan County and St. Luke's Parish, upon the request of the Moravians of Wachovia, the Assembly passed an act creating Wachovia into a separate and distinct parish with all the privileges and immunities which the other parishes of the province enjoyed. The new parish was called Dobbs in honor of the Governor.<sup>33</sup>

In 1759 eight married couples from Bethabara and others founded Bethania, three miles northwest of Bethabara. Settlers continued to come to Wachovia. In 1766 the settlement of Salem was begun.<sup>34</sup> A few years later Friedberg, which had gradually grown up in southern Wachovia, and Friedland, in the southeast of the tract, which was partly settled by Germans from Broad Bay in the present State of Maine, were formally set off and recognized.<sup>35</sup>

The growth of Rowan in population was continual and rapid from the beginning, except during the Indian wars of 1759-60, when the Cherokees devastated the outlying settlements. At that time immigration almost ceased.<sup>36</sup> The immigrants obtained titles to Earl Granville's lands through his agents, Francis Corbin and James Innes.<sup>37</sup> The land offices in his territory were closed at his death in 1763.<sup>38</sup> The offices remained closed until 1773, when Governor Josiah Martin was appointed agent.<sup>39</sup> In the confusion existent just before the Revolution the taking out of grants, how-

<sup>32</sup>Clewell, 24-25.

<sup>33</sup>Col. Rec., V, 558; State Rec. XXIII, 488-9; Fries, 22-25.

<sup>34</sup>Fries, 26, 28.

<sup>35</sup>Clewell, 78-79.

<sup>36</sup>Ashe, 303.

<sup>37</sup>Rumple, 34.

<sup>38</sup>Ashe, 820.

<sup>39</sup>Ashe, 410.

ever, does not seem to have been resumed. Despite the fact that no titles to land could be obtained after 1763 settlers continued to move into the Granville tract. Much discontent arose among the inhabitants, some dreading the expected reopening of the land offices because of the abuses of the agents, and others being displeased because they could not obtain title to the lands improved by their efforts.<sup>40</sup> It was during this time that the Jersey Settlement on the east side of the Yadkin, some nine miles from Salisbury, was made by settlers from New Jersey.<sup>41</sup>

Prior to Granville's death the quarrel which had arisen between him and Henry McCulloh was settled. Sixteen hundred square miles of land between the Uwharrie and the Catawba had been set aside from Henry McCulloh, who had received grants on the headwaters of the Neuse, Pee Dee, and Cape Fear rivers from the Crown about the year 1736.<sup>42</sup> As the land between the Uwharrie and the Catawba lay within Earl Granville's territory a disagreement as to ownership naturally resulted. The controversy was concluded by a compact that McCulloh should become Granville's tenant, and in lieu of all other rents, pay an annual sum of 400 pounds from 1757 until 1760, after which date he was to pay 4 shillings for every hundred acres retained by him, but was to reconvey and surrender to Granville all lands not then settled.<sup>43</sup>

About 1761 Henry E. McCulloh, his son, came to North Carolina and began to dispose of his father's lands in Rowan for reasonable prices. In four years time he disposed of and laid off all of his father's tracts in Rowan and gave deeds for the same to the purchasers.<sup>44</sup>

At the beginning of 1766 Governor Tryon said he thought that North Carolina was being settled faster than any other province, and that in the preceding autumn and winter about one thousand wagons with families accompanying them passed through Salisbury.<sup>45</sup> As the population multiplied and settlements were made in the outlying parts of the county, the inhabitants of communities distant from the seat of government began to demand the erection

<sup>40</sup>Aabe, 820, 401.

<sup>41</sup>Aabe, 380.

<sup>42</sup>Aabe, 277, 258.

<sup>43</sup>Aabe, 292.

<sup>44</sup>Col. Rec., VII, 15-16.

<sup>45</sup>Col. Rec., VII, 248.

of counties in their respective neighborhoods, in order that the administration of public affairs might be carried on with greater convenience. Bills were introduced in the Assemblies of 1766 and 1768 to erect the western part of Orange and the eastern part of Rowan into a new county. These, however, failed to be enacted into law.<sup>46</sup>

In January, 1771, Griffith Rutherford, a member of the Assembly from Rowan, introduced a bill for ascertaining the boundary line between Rowan and the counties of Mecklenburg and Tryon, which lay to the south.<sup>47</sup> This measure was expedient because the settlers on the borders of the three counties refused to pay their taxes in any of them. Lord Granville's line had never been surveyed so far westward. Thomas Neal, Thomas Polk, Matthew Locke, Griffith Rutherford, and Peter Johnston were appointed to run the line, and the inferior courts of the three counties were authorized to levy a tax sufficient to defray the expense.<sup>48</sup>

At the same session the General Assembly recognized the urgent necessity of setting up new counties within the vast territory embraced by Rowan. A bill was passed establishing Guilford County and Unity Parish in the region lying between Salisbury and Hillsboro.<sup>49</sup> Guilford, which was named for Francis North, Earl of Guilford, and father of Lord North, Prime Minister of George III during the Revolution, was composed of territory taken from Rowan and Orange. The portion taken from Rowan was that which now makes up the counties of Guilford, Rockingham, and Randolph. John Pryor, Edmund Fanning, Alexander Martin, Matthew Locke, John Dunn, Griffith Rutherford, and John Campbell were appointed a committee with authority to run the lines and contract with workmen for the building of the courthouse, prison, and stocks for Guilford County.<sup>50</sup>

Another act passed by the same Assembly established Surry County and St. Jude's Parish in the north of Rowan.<sup>51</sup> Surry was named in honor of Lord Surrey, a prominent member of Parliament who opposed the taxation of the American colonies by

<sup>46</sup>Col. Rec., VII, 325, 364, 915, 929.

<sup>47</sup>Col. Rec., VIII, 422-423, 884.

<sup>48</sup>State Rec., XXIII, 841-842.

<sup>49</sup>Col. Rec., VIII, 368.

<sup>50</sup>State Rec., XXIII, 828-826.

<sup>51</sup>Col. Rec., VIII, 880.

that body. Governor Tryon considered these acts very timely because of the too great extent of Rowan. He declared that the creation of Guilford out of Rowan and Orange was "a truly political act," for it separated the main body of the Regulators from Orange and put them in the new county.<sup>52</sup>

By the act of January, 1771, the boundary between Rowan and Surry began at a point in the Guilford line forty-two miles north of the Granville line, and ran due west parallel to the southern limit of Granville's tract.<sup>53</sup> This line split the Wachovia Tract, or Dobbs Parish, into halves to the disadvantage of the Moravians. The inhabitants of Dobbs Parish found it more convenient to transact their business in and to attend the courts of Surry County. Accordingly they petitioned the Assembly to pass a law including the entire Wachovia Tract in Surry.<sup>54</sup> Although it was asserted that such alteration of the boundary would "greatly facilitate the inhabitants of the north part of Rowan and enable the people of Surry to erect their public buildings," the lower house rejected a bill for the alteration of the line at its meeting in December, 1771.<sup>55</sup>

In 1773 the request of the residents of Wachovia was acceded to. The Assembly enacted that the line between Rowan and Surry should begin at a point in the line dividing Guilford and Rowan counties, thirty-six miles north of the southeast corner of Rowan, and run west to the range separating the waters of the Yadkin and Catawba rivers, and thence follow that ridge and the mountains northward to the Virginia line. The boundary was parallel to the southern line of the Granville grant save where the bounds of Wachovia interfered, all of this tract being included in the county of Surry, and Dobbs Parish being established separate and distinct from St. Jude's. A committee was appointed to ascertain the boundaries and take charge of the erection of the public buildings of Surry. Griffith Rutherford, Anthony Hampton, John Braby, Robert Lanier, and Christian Ruiter were the members of the committee.<sup>56</sup> During the following year, as the work on the

<sup>52</sup>Col. Rec., VIII, 527.

<sup>53</sup>State Rec., XXIII, 844-846.

<sup>54</sup>Col. Rec., IX, 47.

<sup>55</sup>Col. Rec., IX, 158-190.

<sup>56</sup>Col. Rec., IX, 443, 588; State Rec., XXIII, 906-907.

public buildings was unfinished and a majority of the commissioners resided in Rowan, a new commission composed of residents of Surry was chosen by the Assembly.<sup>57</sup>

The attempts to establish a county in western Rowan were unsuccessful, though Rutherford proposed bills for that purpose in 1771 and 1773.<sup>58</sup> By 1771 the western settlements had reached far into the mountains. Many of the settlers lived more than one hundred miles from Salisbury, and as there were no magistrates among the far outlying settlements the administration of the laws in those parts was a matter of great difficulty.<sup>59</sup>

During colonial times the only records regularly kept of the number of inhabitants were those computed in terms of the taxables. A taxable was a white male above sixteen years of age or a negro or mulatto slave of either sex above twelve years.<sup>60</sup> The returns for 1754 show that the number of taxables in Rowan one year after its organization were 1,170, 1,116 being whites and 54 blacks.<sup>61</sup> Thirteen years later the number of taxables had increased to 3,643.<sup>62</sup> The population continued to grow proportionately. The people of Rowan were sturdy, hardy, industrious, brave and enterprising, and did their "bit" in laying foundations for the new nation that was to be born in the western world.

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### CHAPTER III

#### COLONIAL SALISBURY

The first Court of Pleas and Quarter Sessions met somewhere in the county in June, 1753. The place of its meeting is unknown.<sup>1</sup> The court chose a site for the public buildings of Rowan, and Edward Hughes was directed to obtain a grant of forty acres from Earl Granville's agents for this purpose. John Dunn and John Whitsett were appointed to see that the land was laid off in a suitable manner, and the latter was awarded the contract for

<sup>1</sup>Col. Rec., IX, 927; State Rec., XXIII, 978.

<sup>2</sup>Col. Rec., IX, 116, 117, 461, 506.

<sup>3</sup>Col. Rec., IX, 91-92.

<sup>4</sup>Col. Rec., VII, 487.

<sup>5</sup>Col. Rec., V, 152, 320, 575.

<sup>6</sup>Col. Rec., VII, 589.

<sup>7</sup>Rumple, 35.

building the courthouse. This house, the court directed, should be of framework, weatherboarded, thirty feet long and twenty wide, a story and a half high, with two floors, the lower one raised two feet above the ground. It was to be provided with an oval bar and a bench raised three feet from the floor. There was to be a good window behind the bench, with glass in it, and a window near the middle of each side, and a door in the end opposite the bench.<sup>2</sup>

The deed for the township lands is dated February 11, 1755. On that day William Churton and Richard Vigers, Granville's agents, conveyed 635 acres of land for "Salisbury Township" to James Carter and Hugh Foster, trustees for Rowan County. The land upon which the public buildings had been erected was included in this tract.<sup>3</sup> Salisbury received its name from Salisbury, England, on the banks of the Avon River.<sup>4</sup> Dr. Rumble says that the courthouse was not completed before 1756, although the jail, pillory, and stocks were finished and in use before that date.<sup>5</sup> Governor Dobbs, however, who passed through Salisbury in the summer of the preceding year, found the town just laid out, the courthouse built and seven or eight log houses erected.<sup>6</sup> In 1755 and 1756 John Ryle, John Lewis Beard, Peter Arrand, Jacob Francks, Archibald Craige, James Bower, and Thomas Bashford and Robert Gillespie were licensed to conduct ordinaries, or inns, in Salisbury.<sup>7</sup> Among the other early residents of the town appear James Alexander, who died there in 1754, John Dunn, an Irishman, and an Oxford man, William Temple Cole, who conducted an inn, and John and Thomas Frohock.

As most of the settlers built their homes where they could obtain large and fertile farms, the growth of Salisbury was slow. In early times it was composed of the public buildings, the residences of some of the county officials, a store or two, a hatter shop, a blacksmith shop, and a few inns. Nevertheless, Salisbury was a place of considerable importance. Here the county courts, the

<sup>2</sup>Rumble, 44-47.

<sup>3</sup>Rumble, 47.

<sup>4</sup>Hunter, 166.

<sup>5</sup>Rumble, 46.

<sup>6</sup>Col. Rec., V, 355.

<sup>7</sup>Rumble, 42.

courts of oyer and terminer and general jail delivery, and the Superior Courts of the western counties were held.<sup>8</sup>

In 1766 Salisbury returned its first member to the Assembly as a borough town.<sup>9</sup>

In 1770 a special statute was passed by the Assembly called "An act for regulating Salisbury." The preamble stated that the town had "a healthy, pleasant situation, well watered, and convenient for inland trade." It was enacted that the county courts and the superior courts for the District of Salisbury and all public elections should thenceforth be held at Salisbury. The sheriff, the clerk of the court for the county, and the register were required to maintain their offices in the town. The citizens were required, under penalty of fine, to clear, repair and pave the streets whenever it was deemed necessary, and they were forbidden to throw rubbish into them. Such citizens as allowed their "hogs, shoats, or pigs" to run at large in the town should pay 20 shillings proclamation money to the party whose property was damaged thereby, and forfeit the hogs. It was lawful for any one to kill swine running at large.

In order to afford protection against fires, every householder was compelled to keep two "sufficient" leather buckets and a ladder always ready for use. The title to the burying ground was vested in a body of commissioners appointed by the act. Immoderate riding and driving were prohibited under penalty of 5 shillings. All persons owning land within the original plan of the town and adjoining either side of Corbin and Innes streets, the two main streets of the village, were required to build a "house, twenty-four feet by sixteen feet in the clear, of brick, stone, or hewed logs, with either a good brick or a stone chimney," within three years after the passage of the act. Failure to do so entailed a forfeiture of the land to the town. Those persons owning a lot or part of a lot adjoining the two streets running parallel to Corbin and Innes streets were required to build a house of like dimensions within four years. It was provided, however, that these conditions should not be construed to affect or invalidate the claim of any infant or married woman.

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<sup>8</sup>Rumple, 61-63.  
<sup>9</sup>N. C. Manual (1918), 381.

All persons in Salisbury, including servants, slaves, and travelers, were allowed free access to all springs and natural fountains of water in the town and the town common, and trees standing upon the town common could be cut down by any person for sale or use. The town commissioners were authorized to select and lay out a suitable place for a market and other public buildings.

William Steele, John Dunn, Maxwell Chambers, John Lewis Beard, Thomas Frohock, William Temple Cole, Matthew Troy, Peter Rep, James Kerr, Alexander Martin, and Daniel Little were appointed town commissioners. They were to hold office for life. In case of removal of any commissioner the county court had power to appoint his successor. Other provisions in the interest of government and sanitation were included in the act.<sup>10</sup>

All acts passed before the Revolution for building new public buildings in Salisbury in place of the old resulted in failure. In 1764 a poll tax was laid on the taxables of Rowan, Anson, and Mecklenburg, the counties which composed Salisbury District, for repairing the jail and building a wall around the same and for erecting a jailer's house.<sup>11</sup> Laws passed by the Assembly in 1766 and 1771 for building a new jail, pillory, and stocks were not carried out, the War of the Regulation preventing their execution.<sup>12</sup> In 1771 the courthouse at Salisbury was said to be "greatly decayed and in so ruinous a condition that courts cannot be held there." A committee was appointed to contract with workmen for building a new courthouse on the site of the old one, and a tax was laid on the taxables of Salisbury District for this purpose.<sup>13</sup> As the tax authorized was insufficient, an additional tax was laid on the people of Rowan County. The commissioners being residents of different counties and living at a great distance from each other these efforts came to naught. Another committee, appointed in 1774, likewise failed to perform the trust reposed in them, and the old courthouse continued in use.<sup>14</sup>

The members of the Assembly from the borough of Salisbury were John Mitchell (1766-1768), John Dunn (1769 and 1770-1771), and Hugh Montgomery (January, 1773, and 1773-1774).

<sup>10</sup>State Rec., XXXII, 810-818.

<sup>11</sup>State Rec., XXXII, 621-622.

<sup>12</sup>State Rec., XXXII, 750-752, 863.

<sup>13</sup>State Rec., XXXII, 866.

<sup>14</sup>State Rec., XXXII, 927, 971-972.

The members in the Provincial Congresses were William Ken-  
non (August, 1774), Hugh Montgomery, and Robert Rowan (Au-  
gust, 1775), and David Nisbet (April, 1776).<sup>15</sup>

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## CHAPTER IV

### RELATIONS WITH THE INDIANS

The contest between England and France for supremacy in North America, which had ceased for the time being with the treaty of Aix-la-Chapelle in 1748, was renewed in 1754. Most of the tribes of North America were in alliance with the enemy. The frontier of North Carolina was placed in a very precarious situation. At the beginning of the war the Cherokees and Catawbas were friendly to the frontiersmen, but soon the savages began to molest the whites. There was great uneasiness among the people of Anson and Rowan because they did not know at what moment the Indians might take up the tomahawk against the settlements.

Early in the year 1754 1,000 pounds in proclamation money—that is, in money which was issued by the provincial government and which was greatly depreciated in value—was appropriated to buy arms for the poorer inhabitants of Rowan and Anson.<sup>1</sup> The expenditure of this money was entrusted to commissioners in the two counties, James Carter and John Brandon being the commissioners in Rowan.<sup>2</sup> The commissioners wasted a part of the sum and neglected to apply all of it for the purpose designated. The final result of the misuse of these public funds was that the bonds given for the faithful execution of the trust were put to suit. In November, 1757, James Carter was expelled from his seat in the Assembly as member for Rowan, and in the following year judgments were obtained against the commissioners and their sureties for the amounts unaccounted for.<sup>3</sup>

In May, 1754, complaints were made by the magistrates and

<sup>15</sup>N. C. Manual (1918), 381, 408.

<sup>1</sup>Col. Rec., V, 109.

<sup>2</sup>State Rec., XXIII, 894.

<sup>3</sup>Col. Rec., V, 892, 1082.

militia officers of Rowan that a party of Indians, supposed to have been Catawbas, had committed several gross abuses on the people of Rowan and Anson.<sup>4</sup> Alexander Osborne and James Carter were directed by the Assembly to investigate the alleged grievances and to represent the same to the Indians. In August they consulted with King Hagler and other warriors of the Catawba nation at the house of Matthew Toole, who acted as interpreter. It developed that some of the young warriors of the Catawbas had been guilty of some misconduct. King Hagler laid the blame for their actions upon the whites who sold "strong spirits" to the braves. The Catawbas promised to give assistance to the North Carolinians and Virginians in case the war continued.<sup>5</sup>

A few weeks later Matthew Rowan, who as president of the Council acted as governor during the interim between Gabriel Johnston's death and Arthur Dobbs' arrival, received intelligence from Colonel Clark, of Anson, that sixteen whites had been murdered and ten carried into captivity by Indians. Thereupon Rowan sent the available supply of powder and lead to the frontier and ordered Colonel Smith, the commanding officer of Rowan County, to coöperate with Colonel Clark.<sup>6</sup> These facts serve to give an idea of the state of uncertainty prevalent in the west.

The defeat of General Braddock by the French and Indians on the Monongahela in July, 1755, left the western frontier of the southern colonies at the mercy of the hostile Indians. The news of the defeat reached Governor Dobbs while he was inspecting conditions in the frontier country. He summoned the field officers of the militia of Rowan and Anson to meet him at the Yadkin. At the meeting he ordered that fifty of the most active men of the militia of each county be placed under the command of Captain Hugh Waddell. He also directed that the militia should join Waddell when necessary, and that Waddell should assist them in case of an incursion.<sup>7</sup> Captain Waddell was at the west at this time in charge of a company of frontiersmen.<sup>8</sup> Though he was not a resident of Rowan he owned land in the county and was

<sup>4</sup>Col. Rec., V, 175-176.

<sup>5</sup>Col. Rec., V, 141 *et seq.*

<sup>6</sup>Col. Rec., V, 144d.

<sup>7</sup>Col. Rec., V, 357.

<sup>8</sup>Asha, 289.

prominently connected with public affairs in the west for a considerable time.<sup>9</sup>

Upon his return to New Bern in September Dobbs addressed the Assembly in regard to the dismal state of affairs existing in the western counties. He asked that body to grant aid for the defense of the distressed inhabitants of the frontier and for offensive warfare against the enemy, and recommended the erection of a fort for refuge to the settlers. He had chosen the site for such a fort between Third and Fourth creeks in Rowan during the summer.

In this emergency the Assembly willingly agreed to appropriate funds for the building of a fort on the western border. Fort Dobbs, as the stronghold was called, was built in 1756 under the supervision of Captain Waddell.<sup>10</sup> It stood on an eminence on Third Creek, good springs near by furnishing water for the garrison.<sup>11</sup> Soon after its completion Richard Caswell and Francis Brown were sent by the Assembly to view the western settlements, to find sites for other fortifications, and to inspect Fort Dobbs. Their report included the following quotation:

And that they had likewise viewed the State of Fort Dobbs, and found it to be a good and Substantial Building of the Dimentions following (that is to say) The Oblong Square fifty-three feet by forty, the opposite Angles Twenty-four feet and Twenty-two, in height Twenty-four and a half feet as by the Plan annexed Appears, the Thickness of the Walls which are made of Oak Logs regularly diminished from sixteen Inches to Six, it contains three floors, and there may be discharged from each floor at one and the same time about one hundred Muskets; the same is beautifully situated in the fork of Fourth Creek, a Branch of the Yadkin River. And they also found under the command of Capt. Hugh Waddell Forty-six Effective men Officers and Soldiers, as by the List to the said Report Annexed Appears, the same being sworn to by the said Capt. in their Presence, the said Officers and Soldiers Appear-  
ing well and in Good Spirits—Signed the 21st day of December, 1756.

In the same year Captain Waddell entered into an offensive and defensive treaty with the Catawbas and Cherokees in behalf of the Assembly. Atta-Kulla-Kulla, of the Cherokee nation, whom

<sup>9</sup>Waddell, 82.

<sup>10</sup>Ashe, 291; Waddell, 80-81.

<sup>11</sup>Ashe, 290.

<sup>12</sup>Waddell, 85-86.

Hewat "esteemed to be the wisest man of the nation and the most steady friend of the English," and Oraloswa, King Hagler, and others of the Catawba tribe, were the representatives of the Indians who agreed to the compact. By one of the stipulations of the treaty North Carolina undertook to erect a fort for the protection of the Catawbas. It is not known where this fort was built, but the location is thought to have been at Old Fort in McDowell County.<sup>13</sup> After making the treaty Waddell remained on the frontier with his command until November, 1757, when he took his seat in the Assembly as successor to James Carter.<sup>14</sup> Captain Andrew Bailey was in command of another company employed in Rowan.<sup>15</sup>

Having endured some discomforts at the hands of the Indians and being disturbed by accounts of the massacre of their Brethren in Pennsylvania, the inhabitants of Bethabara, in Wachovia, fortified their town with stockades. This was done in July, 1756.<sup>16</sup> An independent company of militia was formed by the Moravians for defense, and Jacob Loesch was commissioned as its captain.<sup>17</sup>

In 1757, after returning from a campaign in Virginia, a party of Catawbas robbed a wagon. They were followed and the stolen goods were retaken. Thereupon the Catawbas returned and insulted the Chief Justice, who was holding court in Salisbury. In May, 1758, a petition was read in the Assembly setting forth that murders recently committed on the Dan River in the northern part of Rowan County had caused the settlers of the forks of the Yadkin to abandon their settlements and praying that Captain Bailey, who had succeeded Waddell, and his company, or some other, be continued for their protection.<sup>18</sup>

The Cherokees, however, adhered to the provisions of the treaty of 1756. Hugh Waddell, who was now a major, led one hundred men from the western frontier on General Forbes's successful expedition against Fort Duquesne in 1758. They were accompanied by a number of Cherokee warriors.<sup>19</sup> As a convenience to the

<sup>13</sup>Waddell, 82-88.

<sup>14</sup>Col. Rec., V, 897-898; Waddell, 88.

<sup>15</sup>Aahe, 291.

<sup>16</sup>Clewell, 86-42.

<sup>17</sup>Col. Rec., V, 810.

<sup>18</sup>Col. Rec., V, 1, 1010.

<sup>19</sup>Aahe, 291-292.

Cherokee allies, commissaries were appointed in the western counties to furnish necessities for the Indians while passing to and from Virginia in the service of the colonies. George Smith was commissary for Rowan.<sup>20</sup> The reports of the Committee of Public Claims of the province show that others were allowed claims for furnishing provisions to the Indians during their transit to and from Virginia.<sup>21</sup> Many Cherokees and Catawbas going north went through the Moravian communities, where they were provided with food and kindly treated.<sup>22</sup>

When returning from the campaign against Fort Duquesne, worn out with fatigue, a party of the Cherokees seized a number of horses running wild in the backwoods of Virginia to aid them on their homeward journey. The backwoodsmen of that province fell upon them and killed twelve or fourteen of the warriors. This act provoked the Cherokees to hostility.<sup>23</sup>

In May, 1759, Governor Dobbs informed the Assembly that he had received expresses stating that several murders had been committed by Indians, thought to have been Cherokees, on the western frontier. Major Waddell was given the commission of colonel and two companies of provincials to protect the inhabitants of the west. He was authorized to call out the militia of Anson, Rowan, and Orange if the Indian devastations should continue. In the autumn Governor Lyttleton of South Carolina conducted an expedition against the Cherokees. The provincials and 500 militia under Colonel Waddell were ordered to coöperate with Lyttleton. Though the great majority of the militia refused to march outside the borders of North Carolina, Waddell continued his march with the remainder until ordered back by Lyttleton, who patched up a peace with the Indians.<sup>24</sup>

Now the Indians burst upon the settlements with all their fury. Captain Ashe, in his "History of North Carolina," describes the situation in this manner:

In October, 1759, the people who had made their homes on the waters of the Yadkin and Catawba heard with dismay that the Creeks and

<sup>20</sup>Col. Rec., V, 835, 853, 854.

<sup>21</sup>Col. Rec., V, 978 *et seq.*; Col. Rec., VI, 210.

<sup>22</sup>Ashe, 290.

<sup>23</sup>Waddell, 63-64.

<sup>24</sup>Col. Rec., V, 1-11.

Cherokees, theretofore friendly, had declared war against the English. Bands of Indians began to pass the defiles of the mountains and roam along the foothills. A reign of terror set in. Accounts of atrocities and butcheries and of destroyed homes came thick and fast to Salisbury and Bethabara. They were intensely harrowing, while some of the escapes were marvelous. Many brave men, reluctant to abandon their homes, fortified them with palisades, and forts or strong-houses were erected where neighboring families could assemble for safety. The men slept with their rifles at hand, and the most resolute were in dread of stealthy attack, of ambush, and of having their houses burned at night. It was then that Fort Defiance and other forts in that region were hastily constructed by the people.

The narratives of those who escaped were heartrending, while many men, women and children fell victims to the cruel tomahawk of the merciless foe. Few particular accounts of these individual experiences have been preserved; but all the section west of the Catawba and of the upper Yadkin was desolated.<sup>25</sup>

On February 27, 1760, the Indians attacked Fort Dobbs, but were beaten off by the small garrison under Colonel Waddell and Captain Bailey.<sup>26</sup>

Though atrocities were perpetrated in the immediate vicinity by the score Bethabara was not attacked. This village was a city of refuge to the distressed. For six weeks the Cherokees devastated the surrounding country and waited for an opportunity to assail the town. Once when a large body had stealthily surrounded the village, they retired at the sound of the village bell, fearing that they had been discovered. Again, under similar circumstances, they retired at the sound of the watchman's trumpet. By Easter, 1760, the residents and refugees of Bethabara were secure, for 400 soldiers had arrived at the town.<sup>27</sup>

After the reduction of Canada, Colonel Grant of the British Army was sent south to lead an expedition against the Cherokees. Early in 1761 he invaded their country by way of South Carolina and defeated the hostile Indians. The Cherokees sued for peace and the war came to an end.<sup>28</sup>

The end of the struggle was followed by rapid expansion to the west. In April, 1766, Governor Tryon wrote the Board of Trade

<sup>25</sup> Ashe, 299-300.

<sup>26</sup> Col. Rec., VI, 229-230.

<sup>27</sup> Ashe, 300-301.

<sup>28</sup> Martin, Vol. II, 150-151.

that Fort Dobbs was then in ruins, and the inhabitants of the province had extended their settlements upwards of seventy miles beyond the fort.<sup>29</sup>

In May of the following year Tryon went to Salisbury to have the boundary between the people of North Carolina and the Cherokees marked out. The design was to separate their respective lands so as to put an end to the disputes between the whites and the Cherokees in the west, which had resulted in bloodshed more than once. At Salisbury Tryon was joined by John Rutherford, Robert Palmer, and John Frohock, who had been appointed to run the line. They were later joined by Alexander Cameron, Deputy Superintendent of Indian Affairs for the southern colonies. On May 21st they left Salisbury accompanied by detachments from the militia regiments of Rowan and Mecklenburg.<sup>30</sup> Colonel Hugh Waddell was in command of the escort. The staff officers were Edmund Fanning, adjutant general; Isaac Edwards, aide-de-camp to the governor; Captain William Frohock, commissary; and Rev. John Wills, chaplain. The detachment from each county numbered thirty-two men, the one from Rowan being commanded by Lieutenant-Colonel John Frohock, and the one from Mecklenburg by Lieutenant-Colonel Moses Alexander.<sup>31</sup> Altogether, including servants, the party numbered ninety-six men.<sup>32</sup> On May 31st the Indians met Tryon and his escort, and the governor made a "talk" to them. Some of the band were sent back to Salisbury with an order for presents worth 175 pounds, which the Assembly had appropriated for the Indians as a sign of friendship. The Cherokees honored Tryon by giving him the title of *Ohiah Equah*, or Great Wolf.<sup>33</sup> The meeting occurred in South Carolina.

Tryon departed before the real work of running the line began. On June 4 the commissioners, with a guard of twenty men and the assistance of Cameron and Cherokee representatives, began the actual survey. They ran the line as far north as Tryon Mountain in the present county of Polk, south of the territory included in Rowan.<sup>34</sup>

<sup>29</sup>Col. Rec., VII, 208.

<sup>30</sup>Haywood, 56-57.

<sup>31</sup>Col. Rec., VII, xiii, 991; Haywood, 57.

<sup>32</sup>Col. Rec., VII, 995.

<sup>33</sup>Haywood, 58.

<sup>34</sup>Haywood, 57-58.

## CHAPTER V

THE COURTS AND OFFICIALS OF ROWAN COUNTY AND  
SALISBURY DISTRICT

Before the Revolution Salisbury was the judicial center of Western North Carolina. In addition to the county court of pleas and quarter sessions, the superior court of justice, and the court of oyer and terminer and general jail delivery for the western counties were held there.

The court of pleas and quarter sessions had both judicial and administrative functions. It had jurisdiction over minor cases, and the local government of the county was vested in it. The court was composed of the justices of the county, and it assembled at the county-seat four times annually. As we have already seen, the court of pleas and quarter sessions met for the first time somewhere in the county in June, 1753. The justices who presided over the courts during the first year were Walter Carruth, Thomas Lovelatty, James Carter, John Brandon, Alexander Cathey, Thomas Cook, Thomas Potts, George Smith, Andrew Allison, John Hanby, Alexander Osborne, James Tate, John Brevard, and Squire Boone, the father of the great hunter and explorer Daniel Boone, who was reared in Rowan County.<sup>1</sup>

The first court busied itself with registering the brands which the settlers employed in distinguishing their cattle and in selecting a site for the public buildings. Constables were appointed to preserve the peace in the different sections of the county.

The grand and petit juries for the first court were composed of Henry Hughey, John McCulloch, James Hill, John Burnett, Samuel Bryant, John McDowell, James Lambath, Henry Dowland, Morgan Bryan, William Sherrill, William Morrison, and William Linvil. The county officers were Richard Hilliar, deputy attorney-general; John Dunn, clerk of court; James Carter, register; John Whitsett, treasurer; Francis Corbin, colonel of the Rowan regiment of foot; and Scotton Davis, captain in Corbin's regiment.<sup>2</sup>

<sup>1</sup>Rumple, 88.

<sup>2</sup>Rumple, 89-41.

In 1755 John Dunn and William Monat presented their commissions as attorneys to the court. Of Monat nothing can be discovered.<sup>3</sup> John Dunn was a prominent lawyer and held many public trusts. He was at one time attorney for the Crown, being succeeded by Waighstill Avery in 1775.<sup>4</sup>

Prior to 1770 the following men served as sheriff of Rowan, in the order named: David Jones, Edward Hughes, Benjamin Miller, William Nassery, Francis Locke, Griffith Rutherford, Andrew Allison, and William Temple Cole.<sup>5</sup>

The members of the Assembly and Provincial Congresses from Rowan were as follows:

#### ASSEMBLY

1746 (47)-1754. James Carter and John Brandon, who took their seats at the thirteenth session.

1754-1760. John Bravard and James Carter. The latter was expelled for misapplication of public funds and was succeeded by Hugh Waddell, who took his seat at the fifth session.

1760. Hugh Waddell and John Frohock.

1761. John Frohock and Alexander Osborne.

1762 (April and November). John Frohock and John Kerr.

1764-1765. John Frohock and William Giles. The lower house seated John Harrold.

1766-1768. John Frohock and Griffith Rutherford.

1769. Griffith Rutherford and Christopher Nation.

1770-1771. Griffith Rutherford and Matthew Locke.

1773 (January). Matthew Locke and Griffith Rutherford.

1773-1774. Griffith Rutherford and Matthew Locke.

1775. Griffith Rutherford and Matthew Locke.

#### PROVINCIAL CONGRESSES

August, 1774. Moses Winslow and Samuel Young.

April, 1775. Griffith Rutherford, William Sharpe, and William Kennon.

August, 1775. Matthew Locke, James Smith, Moses Winslow,

<sup>3</sup>Rumple, 48.

<sup>4</sup>Col. Rec., X, 189.

<sup>5</sup>See Col. Rec., VIII, 280-281; Col. Rec., IX, 575.

Samuel Young, William Kennon, William Sharpe, and Robert Lanier.

April, 1776. Griffith Rutherford and Matthew Locke.<sup>6</sup>

In 1754 the governor chose Salisbury as the proper place for holding the courts for the counties of Rowan, Anson, and Orange.<sup>7</sup> At the same time an act was passed establishing a superior court of justice and a court of oyer and terminer and general jail delivery for these counties to be held at Salisbury.<sup>8</sup> Orange was soon taken away and put into a different district, and in 1760 and 1762 Salisbury District was composed of Rowan and Anson.<sup>9</sup> Other frontier counties were added to the district from time to time.

The superior court of justice had jurisdiction over "all pleas of the crown (treason, felony, and other crimes committed in breach of the peace), suits at common pleas, legacies and estates of intestates, whether original or on appeal from the inferior courts."<sup>10</sup>

Robert Jones, the attorney-general of the province, prosecuted suits in the superior court of justice of Salisbury District against the commissioners of Rowan and Anson who had misapplied the public funds entrusted to them for the defense of the frontier.<sup>11</sup>

At March Term, 1766, James Hasell, who had been appointed Chief Justice of the province by Governor Tryon, qualified by taking the oaths prescribed by law. Edmund Fanning qualified as Associate Justice for the District of Salisbury. He resigned the office of attorney-general of the court, which he had theretofore occupied, and was succeeded by William Hooper.<sup>12</sup> The fact that Edmund Fanning was a judge at this time seems to have been overlooked by historians.

At September term Chief Justice Hasell and Judge Fanning presided. Isaac Edwards took the oaths of an attorney and was appointed by the court as attorney for the Crown in the absence of Mr. Hooper, who arrived several days late. Frederick Fraley, George Logall, George Adwicke, and Christopher Blake were naturalized.<sup>13</sup>

<sup>6</sup>N. C. Manual (1913), 381-382, 408.

<sup>7</sup>Col. Rec., V, 260.

<sup>8</sup>State Rec., XXV, 274-287.

<sup>9</sup>State Rec., XXIII, 874, 946.

<sup>10</sup>Raper, 156.

<sup>11</sup>Col. Rec., V, 1082-1084.

<sup>12</sup>Col. Rec., VII, 191-192.

<sup>13</sup>Col. Rec., VII, 255-256.

Salisbury District was now composed of Mecklenburg, Anson, and Rowan counties.<sup>14</sup>

September term of 1767 was held by Associate Justice Fanning. Richard Henderson, of Granville County, was appointed attorney for the Crown during the absence of the attorney-general. Chief Justice Hasell and William Hooper appeared later.<sup>15</sup> Richard Henderson afterwards purchased a large tract of land lying in Tennessee and Kentucky and employed Daniel Boone to blaze the way for a colony, which was established at Boonesborough, Kentucky, just before the Revolution. This tract of land was purchased from the Cherokees.<sup>16</sup>

The superior court of justice in March, 1768, was held by Maurice Moore and Richard Henderson, who took the oaths of Associate Justices of the colony. William Hooper was appointed attorney for the Crown, and James Forsyth qualified as a lawyer.<sup>17</sup>

In September, Chief Justice Martin Howard and Judges Henderson and Moore presided. William Hooper produced a commission constituting him Crown attorney.<sup>18</sup>

At the session in March of the following year, held by Judge Henderson, Thomas Frohock gave bond and qualified as clerk of the court for Salisbury District.<sup>19</sup> In 1772 Adlai Osborne, of Mecklenburg, was appointed to this position.<sup>20</sup>

The third colonial court which assembled at Salisbury was the court of oyer, terminer and general jail delivery. This court had jurisdiction of criminal cases.<sup>21</sup> The court met in June and December of each year.<sup>22</sup>

A typical term was that held in June, 1775, for Rowan, Anson, Mecklenburg, Tryon, Surry, and Guilford, the counties which then made up Salisbury District. Judge Alexander Martin, of Rowan, presided. Adlai Osborne was appointed clerk, and Benjamin B. Boote took the oath as deputy attorney-general for the district. William Kennon's name appears in the records as a practicing

<sup>14</sup>Col. Rec., VII, 477.

<sup>15</sup>Col. Rec., VII, 521-522.

<sup>16</sup>Ashe, 429.

<sup>17</sup>Col. Rec., VII, 690-691.

<sup>18</sup>Col. Rec., VII, 838.

<sup>19</sup>Col. Rec., VIII, 19.

<sup>20</sup>Col. Rec., IX, 318-319.

<sup>21</sup>Raper, 159.

<sup>22</sup>State Rec., XXIII, 946.

lawyer. Many criminal cases were disposed of at this term. Thomas Ward was convicted of stealing 11 shillings and sentenced to receive "thirty-nine lashes on his bare back, well laid on, at the public whipping-post." James Patterson was acquitted of the charge of counterfeiting and David Jones of murder. William Woodliff was found not guilty of horse-stealing. Stephen Herring and Joseph Pettoway, being convicted of robbery, and Oliver Wallace of murder, the court sentenced them to be hanged "by the neck" until they were "dead, dead, dead," and the sheriff of Rowan was directed to put the sentence into execution on the conventional day—Friday.<sup>23</sup>

The execution of a criminal was not a rare occasion in those days. There were a score of crimes which bore the death penalty, and, as appears from the records of Rowan, the judges did not scruple to put these laws into effect. The blow of the law fell swiftly upon the guilty.

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## CHAPTER VI

### THE REGULATORS

The question as to the character of the Regulation has been often and fully discussed by the historians of North Carolina. Some think that the Regulators were an oppressed people contending for justice; others that they were a misguided mob seeking to prevent the enforcement of the law. It is not the purpose in this sketch to side with either group, but merely to state the occurrences of the trouble in Rowan County.

The Regulators complained of the injustice of the officials, of extortion, of corrupt courts, and of being compelled to pay taxes in money, of which there was a scarcity in circulation. The movement was most prevalent in Orange, Anson, and Rowan, though it existed to a less degree in many other counties. The discontented men formed a systematic organization. Meetings were held and petitions were sent to Governor Tryon, but they were either refused or ignored.<sup>1</sup> One of the chief policies of the Regulators was the refusal to pay taxes.<sup>2</sup>

<sup>23</sup>Col. Rec., X, 1-9.

<sup>2</sup>Tompkins, 37-38.

<sup>1</sup>Col. Rec., VIII, 637.

The people were especially bitter towards Edmund Fanning, of Hillsboro, and John Frohock, of Salisbury. Rednap Howell, "the Poet Laureate of the Regulators," lampooned them in this wise:

Says Frohock to Fanning : "To tell the plain truth,  
When I came to this country I was but a youth;  
My father sent for me; I warn't worth a cross;  
And then my first study was to steal for a horse;  
I quickly got credit, and then ran away,  
And haven't paid for him to this very day."  
Says Fanning to Frohock: "'Tis folly to lie,  
I rode an old mare that was blind of an eye;  
Five shillings in money I had in my purse,  
My coat it was patched, but not much the worse;  
But now we've got rich, and it's very well known  
That we'll do very well if they'll let us alone.<sup>3</sup>

The Regulators resisted all efforts on the part of the sheriffs of Rowan to collect taxes. In October, 1763, Francis Locke informed the inferior court that two thousand taxes for the year 1766 were unpaid, and that the collection of them was violently opposed by the Regulators. He attempted to "take, seize, and restrain a sorrel gelding" belonging to James Dunlap for his taxes for 1764, 1765, and 1766, but Dunlap and fifteen others unlawfully rescued the horse from Locke.<sup>4</sup>

Andrew Allison, who was sheriff in 1765, was able to collect only two hundred and five taxes.<sup>5</sup> The situation became so perplexing that in 1770 there was no sheriff in Rowan, Adam Allison who had been appointed by Tryon being unable to give security for the discharge of the duties of the office. His friends did not doubt his integrity or honesty, but feared that the confused state of the county would involve them in many suits.<sup>6</sup>

In April, 1768, Edmund Fanning, of Hillsboro, wrote Tryon that the Regulators claimed that they could command a powerful force from Anson, Rowan, and Orange. He asked Tryon for orders to raise the militia and advised immediate war upon the in-

<sup>3</sup>Col. Rec., VIII, xli.

<sup>4</sup>Col. Rec., VII, 856, 857.

<sup>5</sup>Col. Rec., VIII, 227.

<sup>6</sup>Col. Rec., VIII, 64.

surgents. Tryon gave him permission to call out the militia of Bertie, Halifax, Granville, Rowan, Mecklenburg, Anson, Cumberland, and Johnston.<sup>7</sup>

About the 1st of July Tryon went to Hillsboro, where Husbands and Butler, who had been arrested several months before, were to be tried. Husbands was a Quaker preacher and the prime mover in the Regulation. Tryon visited Rowan and enlisted troops for the protection of the court.<sup>8</sup> Nearly two hundred of the Rowan militia and three hundred of the Mecklenburg attended the court at Hillsboro.<sup>9</sup> At this time matters quieted a little, but soon the situation became critical.

An excellent opportunity for a peaceable solution of the problem in Rowan occurred in March, 1771. The Regulators of the county decided to visit Salisbury superior court. On March 6 four or five hundred assembled on the west bank of the Yadkin. Hearing of their plans, Alexander Martin and John Frohock went to them and found some armed and some unarmed. The Regulators said that their intention was not to disturb the court or to injure the person or property of any one, but to petition for a redress of grievances against the officers taking exorbitant fees, and that their arms were for defense. Good order prevailed, threats being made by only a few of the lower characters.

They were informed that the judges did not deem it prudent to hold court in Salisbury. The Regulators replied that there would have been no danger for the Chief Justice, but as to the other judges they were silent. In behalf of the officers of Rowan, Martin and Frohock offered to give the Regulators satisfaction for their complaints, and the Regulators selected a committee to confer with the officers.

The Regulator committee proposed to leave every complaint to the decision of men chosen by the two parties. They selected Herman Husbands, James Graham, James Hunter, and Thomas Person, and the officers chose Matthew Locke, John Kerr, Samuel Young, and James Smith. This committee was to meet in May and arbitrate and settle every difference. Only the officials of

<sup>7</sup>Col. Rec., VII, 115. 748.

<sup>8</sup>Col. Rec., VII, xxii.

<sup>9</sup>Col. Rec., VII, 886; Tompkins, 88.

Rowan County, and those voluntarily, were included in the compact.<sup>10</sup>

On the 7th the officers agreed "to settle and pay unto any and every person within the county any and all such sum or sums of money as we or our deputies have taken through inadvertency or otherwise over and above what we severally ought to have taken for fees more than the law allowed or entitled us so to receive, without any trouble or law for the recovery of the same." John Frohock, William Frohook, Griffith Rutherford, Thomas Frohock, Benjamin Miller, John Brawley, Andrew Allison, Francis Locke, John Dunn, Alexander Martin, William Nazary (Nassery), and William Temple Cole signed the agreement, they being or having been officers of the County.<sup>11</sup>

Thereupon the Regulators returned quietly to their homes. Three companies of Rowan militia and seventy or eighty men from Mecklenburg were in Salisbury ready to oppose them had any violence been offered.<sup>12</sup>

When Governor Tryon received intelligence of the proposed settlement with the Regulators he immediately wrote Alexander Martin a letter which included the following quotation:

This mode . . . of your agreement with the insurgents, by including officers who are amenable only for their public conduct to the tribunal of their country, is unconstitutional, dishonorable of government and introductory of a practice the most dangerous to the peace and happiness of society. On the 18th of last month it was determined by consent of his Majesty's Council to raise forces to march into the settlements of the insurgents in order to restore peace to the country upon honorable terms and constitutional principles. This measure is not intended to impede, nor has it the least reference to, the agreement between you gentlemen and the Regulators, though it is expected in the execution of it more stability will be added to our government than by the issue of Convention ratified at Salisbury.<sup>13</sup>

Tryon's rebuke and disapproval of the plan caused its failure. If Tryon had been farsighted probably the difficulties could have been settled without a struggle. As it was, however, both factions prepared for the final test of strength. Governor Tryon sent Gen-

<sup>10</sup>Col. Rec., VIII, 533 *et seq.*

<sup>11</sup>Col. Rec., VIII, 521-522.

<sup>12</sup>Col. Rec., VIII, 535-536.

<sup>13</sup>Col. Rec., VIII, 545.

eral Hugh Waddell through Rowan and Mecklenburg to raise troops. Waddell enlisted one hundred in Mecklenburg and almost twice that number in Rowan. When marching to join Tryon, Waddell was intercepted at the Yadkin by a larger force of Regulators and turned back, so that he did not join the governor until after the battle.<sup>14</sup>

Meanwhile Tryon proceeded westward with ten or twelve hundred men.<sup>15</sup> He met the forces of the insurgents at Alamance Creek and defeated them, thereby bringing open opposition to an end.<sup>16</sup>

From May 30th to June 20th, the supreme court of oyer and terminer was held at Hillsboro for the trial of captured Regulators. Twelve were convicted of high treason and six of them were executed. The most distinguished victim was Benjamin Merrill, who had formerly been a captain of the militia in Rowan. In concluding his sentence, the Chief Justice said:

I must now close my afflicting duty by pronouncing upon you the awful sentence of the law; which is that you, Benjamin Merrill, be carried to the place whence you came, that you be drawn from thence to the place of execution, where you are to be hanged by the neck; that you be cut down while yet alive, that your bowels be taken out and burnt before your face, that your head be cut off, your body divided into four quarters, and this to be at his Majesty's disposal; and the Lord have mercy on your soul.<sup>17</sup>

It is impossible to conceive of a more brutal, barbarous sentence being pronounced.

Soon afterwards the Assembly passed an act allowing the sheriffs an additional year in which to collect the taxes which had not been paid.<sup>18</sup> James McCoy was appointed to collect those for 1770, the year when no sheriff served Rowan.<sup>19</sup>

<sup>14</sup>Tompkins, 38-39.

<sup>15</sup>Tompkins, 39.

<sup>16</sup>Col. Rec., VIII, 609; Haywood, 125-126.

<sup>17</sup>Col. Rec., VIII, 643.

<sup>18</sup>State Rec., XXV, 520-521.

<sup>19</sup>State Rec., XXV, 521-522.

## CHAPTER VII

## THE CHURCHES OF EARLY ROWAN

The early inhabitants of the county were a distinctly religious people. Many of them had come to the new world that they might worship God in their own way. Consequently, as soon as they were settled in their new surroundings they proceeded to found places of worship.

## THE PRESBYTERIANS

The destruction by fire of the early records of Orange Presbytery has rendered it difficult to give an account of the different Presbyterian churches with the dates of their establishment. The Presbyterians formed a considerable part of the population of Rowan, most of the Scotch-Irish being of this faith. In the list of taxables for 1767 it is remarked that the population was "mostly Presbyterians."<sup>1</sup>

A congregation was organized before Rowan was taken from Anson County. On January 17, 1753, John and Naomi Lynn conveyed twelve acres of land, more or less, "to a congregation belonging to ye Lower meeting house, between the Atking River and ye Catabo." It is stated that this congregation adhered to a minister belonging to the Synod of Philadelphia. On the following day another deed was made conveying an additional tract of twelve acres to the same congregation. This church was first called the Lower Meeting House. Being in the vicinity of James Cathey's home, it was later called Cathey's Meeting House, and finally Thyatira. No record of its first elders and members is extant.

Further west, near the present town of Statesville in Iredell County, was the Fourth Creek congregation, which was later divided among the churches of Fourth Creek, Concord, and Bethany. Fourth Creek congregation was organized and its boundaries were defined by the two missionaries, the Rev. Messrs. Spencer and McWhorter, who visited it in 1764. Fourth Creek church, however, was in existence long before that time. It is said that Fourth Creek church was collected into a congregation as early as 1751

<sup>1</sup>Col. Rec., VII, 541.

and its place of worship selected by 1756. The Rev. John Thompson appeared in this locality as early as 1751. He resided near the historic Centre Church. Mr. Thompson preached at Fourth Creek and other stations in Rowan for about two years. He was a very influential pastor. People came twenty and twenty-five miles to hear his sermons and "sometimes he baptized a score of infants at once." In 1773, the people who made up the congregation of Fourth Creek were divided among 196 families of 111 different names. All of these communicants lived within ten miles of the church.<sup>2</sup>

In 1753 the Synod of Philadelphia sent two missionaries, Mr. McMordie and Mr. Donaldson, to visit Virginia and North Carolina. They were directed by the Synod "to show special regard to the vacancies of North Carolina, especially betwixt Atkin and Catawba rivers."<sup>3</sup>

In 1755 the Rev. Hugh McAden made a missionary tour through North Carolina.<sup>4</sup> Early in September he arrived in eastern Rowan, and thence continued his course westward, preaching at several meeting houses and in private homes. Sometimes he preached to congregations "pretty regular and discreet," but sometimes he found them "solemn and attentive, but (with) no appearance of the life of religion." He delivered a sermon at the meeting house which had been erected in the Jersey Settlement, and to the congregation at Cathey's, and at several other houses of worship west of the Yadkin. In the latter part of October he passed on into Mecklenburg County.<sup>5</sup>

In the same year the Synod of New York directed the Rev. John Brainard and the Rev. Elihu Spencer to supply vacancies in North Carolina. They do not seem to have done so, for there is no record of their visit.

For ten years the congregations of the Presbyterians held together, though no regular minister appeared.<sup>6</sup> No doubt, from time to time, itinerant preachers passed through Rowan and preached at the meeting houses and in private homes. In 1764

<sup>2</sup>Rumple, 383-385.

<sup>3</sup>Foote, 159.

<sup>4</sup>Carrthers, 94.

<sup>5</sup>Foote, 167-169.

<sup>6</sup>Rumple, 386.

and 1765 the Rev. Messrs. Spencer and McWhorter visited the county and fixed the limits of the different congregations. A new congregation called Centre was established, its name being derived from the fact that it was composed of territory between Fourth Creek and Thyatira. The Centre congregation lived in Mecklenburg and in that part of Rowan which now lies in Iredell County. It appears that this region was filled with various preaching places before Spencer and McWhorter persuaded the inhabitants to combine into one church.<sup>7</sup>

In 1765 Fourth Creek and Thyatira united in a call to the Rev. Mr. Spencer, who had returned to New Jersey. They sent wagons all the way to that province to bring his family to Rowan, but he declined to accept the call. Thyatira was without a regular pastor until 1772. Then Rev. Mr. Harris became its minister and remained about two years.<sup>8</sup> The Rev. Samuel E. McCorkle became the pastor of Thyatira in 1777, and James Hall, the soldier-preacher, became the minister of Fourth Creek Church one year later.<sup>9</sup>

The Presbyterians did not found a church in Salisbury until about the year 1821.<sup>10</sup>

There was a Presbyterian meeting house in eastern Rowan (now Guilford) before 1768. In that year Adam Mitchel conveyed an acre of land to John McKnight and William Anderson, "trustees for the Presbyterian congregation on the waters of North Buffalo." This congregation belonged to the Synod of New York and Philadelphia. The deed shows that a "meeting house and a study house" had already been erected.<sup>11</sup> The building designated as a "study house" was probably a school. The inferior court of Rowan licensed the North Buffalo meeting house soon afterwards.<sup>12</sup> The church was situated near the present site of Greensboro.<sup>13</sup>

In 1764 the Rev. Henry Pattillo, a Presbyterian divine, who labored in Orange, established a church called Alamance about

<sup>7</sup>Foote, 36, 433-434.

<sup>8</sup>Rumple, 836-837.

<sup>9</sup>Foote, 824, 854.

<sup>10</sup>Rumple, 342-343.

<sup>11</sup>Col. Rec., VII, 857-859.

<sup>12</sup>Col. Rec., VIII, 507.

<sup>13</sup>Foote, 283.

seven miles from Greensboro.<sup>14</sup> These two churches secured as their pastor Dr. David Caldwell, a Pennsylvanian by birth and a graduate of Princeton. In 1766 he married Rachel, the daughter of the Rev. Alexander Craighead, of Sugar Creek Church, in Mecklenburg, and settled with his congregations of Buffalo and Alamance.<sup>15</sup> Caldwell established a school in the neighborhood about 1767. This school obtained the name of the "Log College," and was the means of training a number of the foremost men of North Carolina.<sup>16</sup>

At a meeting of the Presbytery at Buffalo in March, 1770, David Caldwell, Hugh McAden, Joseph Alexander, Henry Pattillo, Hezekiah Balch, and James Criswell petitioned the Synod of Philadelphia and New York for the organization of a new presbytery, to be called Orange. Their petition was granted.<sup>17</sup>

#### THE GERMAN REFORMED AND LUTHERAN CHURCHES IN ROWAN

The German Reformed Church originated in Switzerland, its doctrines being derived from the Swiss reformer, Ulric Zwingli, who was a contemporary of Martin Luther. This Church differed from the Lutheran upon the question of the sacrament of the Lord's Supper and other theological doctrines. It is a Calvinistic church.<sup>18</sup> Denying Luther's theory of consubstantiation, Zwingli regarded the sacrament as efficacious merely for its commemorative and social aspects.<sup>19</sup>

The Germans who came to Rowan from Pennsylvania and settled along Second Creek were members of the Reformed and Lutheran churches. Being too few in numbers to erect houses of worship for each of the two denominations, they united in building a temporary structure on the lands of a Mr. Fullenwider. This church was called the Hickory Church and stood on the site now occupied by St. Peter's Lutheran Church. The date of its erection is not given, but no doubt it was built quite early, for the section was settled by German immigrants about 1750. For a number of

<sup>14</sup>Foot, 238.

<sup>15</sup>Col. Rec., V, 1219; Caruthers, 26.

<sup>16</sup>Caruthers, 30-81.

<sup>17</sup>Col. Rec., V, 1218; Caruthers, 98-97.

<sup>18</sup>Rumple, 485-486.

<sup>19</sup>Hulme, 281.

years there was no pastor to minister to the needs of those who worshiped at the Hickory Church.<sup>20</sup>

Before Hickory Church obtained a minister the Lutherans in and around Salisbury formed a congregation. This church was the first Lutheran church organized in North Carolina and was named St. John's. John Lewis Beard, a prominent and wealthy resident of Salisbury and a Lutheran by profession, was bereaved by the death of a daughter. Her remains were buried in a lot containing nearly an acre of ground belonging to her father. Desirous that the grave of his daughter should never be disturbed, Mr. Beard donated the lot to the German Lutheran Church. On September 9, 1768, he conveyed the land to the trustees of the church. It was stipulated that ministers of the Church of England and the Reformed Church might utilize the church when not used by the Lutherans. Soon after the lot was granted to them the Lutherans erected a log church upon it. This structure was the first house of worship built in Salisbury. The lot is now known as the Lutheran graveyard, or the Salisbury Cemetery.<sup>21</sup>

Where the Germans were to obtain a pastor was a difficult problem to solve. As there was a scarcity of ministers in Pennsylvania, it was futile to consider the possibility of securing one there.<sup>22</sup> As some three thousand German Protestants were located in Rowan, Orange, Mecklenburg, and Tryon counties and their numbers were rapidly increasing by birth and immigration, sixty Lutheran families residing on Second Creek in Rowan decided to seek help from the Protestants of Europe. They declared that the want of a minister of their denomination had produced "a great ignorance of the word of God and a melancholy dissoluteness of living," and feared that such evil "must provoke the Almighty God to anger and vengeance." They appointed two of their number, Christopher Layrle, of Mecklenburg County, and Christopher Rintelman, of Rowan, to seek aid among the Protestants of England, Holland, and Germany for securing and supporting a minister and schoolmaster who spoke the German tongue. The Rev. Mr. Drage, the Episcopal minister of St. Luke's Parish, pronounced their purpose

<sup>20</sup>Col. Rec., VIII, 744, 759; Bernheim, 244-245; Rumble, 437.

<sup>21</sup>Col. Rec., VIII, 758-759.

<sup>22</sup>Bernheim, 254.

laudable, and Governor Tryon countenanced their plans and referred their requests to the Bishop of London and the Society for the Propagation of the Gospel in Foreign Parts. The undertaking met with the approval of the Society at its meeting in London, July 19, 1771. The Society promised that if Layle and Rintelman raised such a sum as would afford a reasonable prospect of establishing a fund adequate for the permanent support of a minister and schoolmaster, it would contribute to the subscription and give other encouragement to their efforts.<sup>23</sup>

Rintelman and Layle went to Europe in 1772. They first went to London and then to Hanover, and through the kind efforts of "the late Consistory Counselor, Götten," obtained the Rev. Adolph Nussman as their pastor and Mr. Gottfried Arndt as schoolmaster. Nussman and Arndt arrived in North Carolina in 1773.<sup>24</sup> Among those who contributed to the fund which enabled the Germans to secure their minister and schoolmaster were the Bishop of London, the Earl of Dartmouth, the Earl of Granville, the Archbishop of Canterbury, and Governor Tryon.<sup>25</sup>

The Rev. Adolph Nussman was a man of scholarly attainments and a devout, self-sacrificing and pious Christian.<sup>26</sup> He preached for a year to the combined congregation of Reformed and Lutheran members at the Hickory Church. Dissensions arising between the two denominations, they separated. The Lutherans built what is still known as the Organ Church, but what was formerly called Zion's. The adherents of the Reformed Church erected a structure four miles west of Gold Hill, in south Rowan. This church was named Grace Church, though it is frequently called Lower Stone Church. The site of the building was purchased from Lorentz Lingle.<sup>27</sup> At the same time the Rev. Adolph Nussman was ministering to the people of the Second Creek settlement, he preached at St. John's in Salisbury. Before Organ Church was finished he left Rowan and went to St. John's Church in Mecklenburg. In 1775 Gottfried Arndt, who had been instructing the German youth,

<sup>23</sup>Col. Rec., VIII, 680-681.

<sup>24</sup>Col. Rec., VIII, 762-763; Bernheim, 256-257.

<sup>25</sup>Col. Rec., VIII, 682.

<sup>26</sup>Col. Rec., VIII, 759.

<sup>27</sup>Col. Rec., VIII, 744, 760.

was ordained a minister of the Lutheran Church, and he served Organ and St. John's churches until the close of the Revolution.<sup>28</sup>

#### THE BAPTISTS IN ROWAN

Information as to the Baptists in early Rowan is very meagre. When the Rev. Hugh McAden passed through this section in 1755 he found a meeting house in the Jersey Settlement. There was much confusion in the congregation, many of whom were Baptists and several professing to be Presbyterians. One cause of the trouble arose from the labors of a Mr. Miller, a Baptist minister.<sup>29</sup> With the aid of a Rev. Mr. Gano, Miller established a Baptist Church in the Jersey Settlement.<sup>30</sup>

About the year 1755 Shubal Stearns came to eastern Rowan, now Randolph, and in a few years had a church on Sandy Creek with a membership of 606 persons. At the same time Daniel Marshall had charge of a Baptist Church on the Uwharrie, and Joseph Murphey was minister to a congregation on Deep Creek in the present county of Surry. Dr. Caruthers says that other Baptist ministers went about preaching from place to place, and that there was a church on Abbott's Creek, and others elsewhere.<sup>31</sup>

Dr. Rumble says that there was no organization of Methodism in the county before the Revolution.<sup>32</sup>

#### THE CHURCH OF ENGLAND IN ROWAN

The royal government of the province attempted to make the Church of England the established church of North Carolina. Many acts were passed with this end in view. We have already seen that St. Luke's Parish was established simultaneously with Rowan County and included the same territory until Wachovia was set off under the name of Dobbs Parish. The freeholders, that is, men owning fifty acres of land or a lot in some town, were required, under penalty of twenty shillings, to elect twelve vestrymen to serve three years. The vestrymen so elected had to subscribe an oath that they would "not oppose the doctrine, discipline,

<sup>28</sup>Col. Rec., VIII, 759, 760, 763; Bernheim, 260-261.

<sup>29</sup>Foote, 167.

<sup>30</sup>Rumble, 445.

<sup>31</sup>Caruthers, 91.

<sup>32</sup>Rumble, 367.

and liturgy of the Church of England as by law established." If a dissenter was elected and failed to qualify, he was liable to a fine. The vestry was authorized to levy a tax of ten shillings on each taxable in the parish for the erection of churches or chapels, the payment of the salaries of ministers, the purchasing a glebe for the building of a parsonage.

According to an act of 1765, the minister of a parish was to receive an annual salary of one hundred and thirty-three pounds, six shillings and eight pence and a fee of twenty shillings for every marriage solemnized in the parish, whether he performed the service or not, provided he did not neglect nor refuse to do so.<sup>33</sup>

The inhabitants of the west paid little attention to the vestry and parish laws.

By the marriage acts of the province no minister or magistrate could perform the rite of marriage without a license or the publication of banns. The parish minister, if there were one, should be entitled to the marriage fee unless he refused or neglected to perform the ceremony. The Presbyterian ministers in the west performed the marriage service without license or publication of banns. An act passed early in Tryon's administration made all such marriages valid and permitted Presbyterian ministers, regularly called to any congregation, to celebrate the rite of marriage when a license was issued. By a law of 1770 the ministers of the same denomination were authorized to perform the service by the publication of banns, but the law was disallowed by the authorities in England.<sup>34</sup>

The marriage and vestry acts were extremely unpopular in the west. Petitions were presented to the Assembly asking their repeal. One from Mecklenburg states that if Rowan, Mecklenburg, and Tryon counties "were wholly relieved from the grievances of the marriage act and the vestry acts, it would greatly encourage the settlement of the frontiers, and make them a strong barrier to the interior parts of the province against a savage enemy."<sup>35</sup>

Little is known of the early clergymen of the Church of England. Upon the petition of the people of Rowan, a Mr. Miller

<sup>33</sup> Ashe, 885; Rumble, 72-74.

<sup>34</sup> Ashe, 882-886.

<sup>35</sup> Col. Rec., X, 1016.

was ordained minister. He lived irregularly and wandered about from parish to parish. It is not known that he settled in Rowan.<sup>36</sup> In 1766, Tryon wrote the Board of Trade that the Rev. Mr. Micklejohn had just gone to St. Luke's.<sup>37</sup> Nothing further is recorded of him.

No attempt was made to put the parish and vestry laws into force in Rowan until about 1770. Some time prior to that date more than one hundred inhabitants of the county petitioned for a "lawful vestry."<sup>38</sup>

There seems to have been a number of members of the Church of England in Rowan, though they did not make up any considerable part of the population. They were principally found in Salisbury and the Jersey Settlement.<sup>39</sup> It is impossible to estimate the number with any degree of accuracy. The late Hon. John S. Henderson, in his interesting sketch on "Episcopacy in Rowan" in Rumble's history, thinks that they amounted to one-fourth or one-third of the entire population.<sup>40</sup> This estimate, however, is undoubtedly too large if applied to the whole of Rowan.

The first clergyman of the Church of England who settled in Rowan was the Rev. Theodorus Swaine Drage, who came to the county about 1769 and attempted to organize St. Luke's Parish on a permanent basis. He was successful in having a chapel erected in the Jersey Settlement.<sup>41</sup> His letter to the Society for the Propagation of the Gospel in Foreign Parts portrays the situation in Rowan. Tryon had received repeated applications from the people for a clergyman, and he was largely responsible for Drage's going to St. Luke's. Drage claimed that two-thirds of the population were of the Church of England, but his statements are not borne out by other records. The "Irish Dissenters" had the power of government vested in their hands, for they had titles to their lands. Many of the other settlers had come into the county since the closing of the land offices and had been unable to secure titles to the lands which they occupied.

<sup>36</sup>Col. Rec., VI, 1040.

<sup>37</sup>Col. Rec., VII, 260.

<sup>38</sup>Williamson, 258.

<sup>39</sup>Rumble, 70.

<sup>40</sup>Rumble, 383.

<sup>41</sup>Rumble, 384.

Mr. Drage was very active in his labors. Upon his arrival he found the English churchmen "disheartened and dispersed," but soon he had forty preaching places where he ministered to "seven thousand souls, men, women, and children." Between December 20, 1769, and the same date in 1770, he baptized eight hundred and two persons. Their ages varied from less than a year to sixty years, the majority being infants. A Rev. Mr. Cupples had paid a visit to St. Luke's during the preceding summer and baptized many.

Mr. Drage's efforts to establish the parish on a legal and permanent foundation were less fruitful. At an election held Easter Monday, 1770, the Dissenters, having control of a majority of the votes, elected a vestry, all of whom were Dissenters and two of whom were elders. The vestry refused to qualify. The same procedure had been practiced in the preceding year. The voters declared that "their purpose in voting was not as to who should compose the vestry, but that there might be none." The members of the Church of England petitioned for a removal of their incapacity to vote for want of deeds, but the Assembly did not grant their request. Mr. Drage considered a petition of the Presbyterians praying that they might be relieved from paying towards the support of the parish minister and that their clergy might be permitted to perform marriages by the publication of banns as "an act directly leveled at the Constitution."<sup>42</sup> In theory he was right. The mistake, however, was in striving to thrust an established church upon an unwilling and headstrong people.

The contest between Drage and the Dissenters continued to grow warm. The unfortunate clergyman seems to have received no salary and to have been dependent upon a few fees and the Society for the Propagation of the Gospel in Foreign Parts for his support. He found friends only in the Lutherans and in Governor Tryon.<sup>43</sup> He informed Governor Martin, Tryon's successor, that the clerk of court encouraged the people who obtained marriage licenses to have the rites performed by the magistrates in preference to him, and concealed the number of licenses granted in

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<sup>42</sup>Col. Rec., VIII, 502-504.

<sup>43</sup>Col. Rec., VIII, 506-507.

order to deprive him of the fees to which the parish minister was entitled.<sup>44</sup> By February, 1773, the Dissenters succeeded in expelling Drage by withholding his salary and thereby forcing him to leave the parish.<sup>45</sup> No other clergyman of the English church appeared in Rowan before the Revolution.

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## CHAPTER VIII

### EDUCATION IN ROWAN

The record of education and the early schools of Rowan is very meagre. Most of the inhabitants possessed at least an elementary knowledge of reading, writing and the principles of mathematics. The Germans had Luther's translation of the Bible and their Union Hymn Book. At this time the *old field schools* were established and taught by citizens who had better educations than the average. There must have been a number of these schools in old Rowan. The boys spent their leisure hours in playing "town-ball," "bull-pen," "cat" and "prisoner's base," and the girls amused themselves with "blind-man's bluff," "drop-the-handkerchief," "fox and geese," and "chichama-chichama-craney-crow." Dr. Rumble says: "The passing traveler could easily identify the log schoolhouse, by the bell-like tones of the mingled voices of the boys and girls as they studied their spelling and reading lessons aloud—sometimes rendering the schoolroom a very Babel of confused sounds."<sup>1</sup>

In 1760, Crowfield Academy was established on the headwaters of Rocky River, in the bounds of the Centre congregation, about two miles north of where Davidson College now stands. This was a classical school where many of the prominent men of Rowan and the near-by counties were educated. Among them were Colonel Adlai Osborne, the Rev. Samuel Eusebius McCorkle, Dr. James Hall, and Dr. Ephriam Brevard.<sup>2</sup>

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<sup>1</sup>Col. Rec., IX, 267.

<sup>2</sup>Col. Rec., IX, 507, 622.

<sup>1</sup>Rumble, 83-84.

<sup>2</sup>Rumble, 84.

About the year 1767 Dr. David Caldwell founded his famous classical "Log College" on the headwaters of North Buffalo, near the present city of Greensboro.<sup>3</sup>

In 1773, Göltfried Arndt arrived, and for several years instructed the German youth around Salisbury.<sup>4</sup>

The inhabitants of Western North Carolina before the Revolution were dependent upon the *old field schools* and a few classical academies, such as Caldwell's and Crowfield, for their education. Those who were able often completed their schooling at Nassau Hall (now Princeton University) under Dr. John Witherspoon.<sup>5</sup>

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## CHAPTER IX

### THE SAFETY COMMITTEE

Rowan County has the distinction of being the first county in North Carolina to organize a safety committee.<sup>1</sup> This fact shows that the people were keenly alive to the cause of the colonies. The first committee met August 8, 1774. Its members were James McCay, Andrew Neal, George Cathey, Alexander Dobbins, Francis McCorkle, Matthew Locke, Maxwell Chambers, Henry Harmon, Abraham Denton, William Davidson, Samuel Young, John Brevard, William Kennon, George Henry Barringer, Robert Bell, John Bickerstaff, John Cowden, John Lewis Beard, John Nesbit, Charles McDowell, Robert Blackburn, Christopher Beekman, William Sharpe, John Johnston, and Morgan Bryan.<sup>2</sup> The records of the Rowan Committee of Safety have been preserved in Wheeler's "History of North Carolina" and in the *Colonial Records* and they give an insight into the opinions and purposes of the times. Though this committee began its administration before the Revolution its actions belong to the Revolutionary period, and will not be discussed in this sketch.

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<sup>1</sup>Caruthers, 80-81.

<sup>2</sup>Bernheim, 260-261.

<sup>3</sup>Rumple, 84-85.

<sup>4</sup>Col. Rec., IX, xxxi.

<sup>5</sup>Col. Rec., IX, 1024-1026; Rumple, 147.

## CHAPTER X

## SOCIAL AND INDUSTRIAL CONDITIONS

The inhabitants of Rowan and the other western counties lived among surroundings quite different from those who dwelt in the east. While the latter passed a life of ease and gayety on their large plantations with numerous African slaves, the former felled the forests and built homes on the fertile and pleasant lands lying along the countless streams which watered the country. The Indians who lived beyond the mountains were a constant source of alarm. The woods teemed with game. As is the case in all frontier communities, the sterner and stronger qualities of men predominated.

Slave labor was introduced into the territory embraced by Rowan County before it was taken from Anson. The list of taxables for Rowan for the year after its establishment indicate that there were then fifty-four black taxables in the county.<sup>1</sup> As after this date the white and black taxables were not listed separately, there is no means of determining the number of slaves owned by the inhabitants. No doubt many others were brought in, but slavery did not assume such large proportions in Rowan as it did in the eastern counties.

Practically all of the people derived their living from the soil. In the summer of 1755 Governor Dobbs visited the west in order to inspect his lands on Rocky River. Along the Yadkin he found fields of barley, wheat, rye, and oats.<sup>2</sup> Continuing his course to Rocky River, he visited between thirty and forty of the families situated on his lands. These people were prolific, there being from five to ten children in each family. The settlers raised horses, cows, hogs, and sheep, and planted Indian corn. They made butter and cheese and had "made good success with indigo."<sup>3</sup>

There were no stock-laws in those days. The cattle were branded by their owners and allowed to roam at large.<sup>4</sup> There is

<sup>1</sup>Col. Rec., V, 575.

<sup>2</sup>Col. Rec., V, 855.

<sup>3</sup>Ashe, 289-290.

<sup>4</sup>Rumple, 39-41.

record that the Moravians cultivated cotton and tobacco in addition to grains and vegetables.<sup>5</sup>

Wild animals proved a great inconvenience to the frontier agriculturists. Accordingly bounties were offered to all persons who killed a wolf or a wild cat or a panther within ten miles of any settled plantation.<sup>6</sup> In 1767, an act was passed requiring every master or mistress of a plantation, or the overseer in case the owner did not reside in the county, to kill or cause to be killed every year seven crows or squirrels for each taxable under his or her control. Failure to do so was penalized by a fine of four pence for each crow or squirrel less than the required number, while those who killed more than were required were entitled to receive a bounty of four pence for each in excess of the requisite number.<sup>7</sup>

The rates charged by the tavern keepers of Salisbury may be of interest. In 1755, the inferior court fixed the following rates for keepers of ordinaries:

For dinner of roast or boiled flesh, 1 shilling.  
For supper and breakfast, each, 6 pence.  
For lodging one night, good bed, 2 pence.  
For stablage (24 hours) with good hay or fodder, 6 pence.  
For pasture first 24 hours, 4 pence.  
For every 24 hours thereafter, 2 pence.  
For Indian corn and other grain per quart, 2 pence.<sup>8</sup>

The people of Rowan and the other sections of the west were much more closely connected with Charleston commercially than with the coast towns of North Carolina, for it was to the South Carolina port that they sent their produce. In 1762, provision was made by the Assembly for building Campbelton on the Cape Fear River. It was thought that this town would be the means of bringing the trade which enriched the merchants of Charleston to the coast of North Carolina.<sup>9</sup> As this step failed to accomplish the desired end, a committee was appointed to lay out a road from the frontiers to Wilmington.<sup>10</sup> The committee having failed to act, in 1771 a commission was selected to plot a road from Meck-

<sup>5</sup>Clewell, 24.

<sup>6</sup>State Rec., XXIII, 784-785, 862, 971.

<sup>7</sup>State Rec., XXV, 510-511.

<sup>8</sup>Rumble, 41.

<sup>9</sup>State Rec., XXV, 470.

<sup>10</sup>State Rec., XXIII, 753-754.

lenburg courthouse and from Salisbury the "nearest and best way" to Campbelton.<sup>11</sup> The plan was not carried out by the committee, and the west continued its commerce with the merchants of Charleston.

The people of the west had great difficulty in communicating with one another for want of roads.<sup>12</sup> Such roads as existed were far from being in a state of perfection.

Practically all of the manufactured commodities were made in the home. Tompkins, in his "History of Mecklenburg County," says: "The people made their own hats and shoes, and wove their own cloth. They were hatters and shoemakers and weavers and tailors. They raised indigo for dyeing. They raised flax and made it into linen."<sup>13</sup> Though this statement is made primarily of the people of Mecklenburg County, it applies with equal truth to those of Rowan.

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<sup>11</sup>State Rec., XXIII, 870-871.

<sup>12</sup>Col. Rec., VII, 354.

<sup>13</sup>Tompkins, 22-28.









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THE DIARY OF BARTLETT YANCEY  
MALONE

THE PROVINCIAL AGENTS OF  
NORTH CAROLINA

CHAPEL HILL  
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**THE DIARY OF BARTLETT YANCEY  
MALONE**  
**EDITED BY**  
**WILLIAM WHATLEY PIERSON, JR.**



## *INTRODUCTORY NOTE*

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The following is the diary of a North Carolina farmer, Bartlett Yancey Malone, who fought during the American War of Secession from July, 1861, to November, 1863, when he was captured and made prisoner. He entered the Confederate Army at the age of twenty-three as a private and rose to the rank of a sergeant, being a member during his active service of the 6th North Carolina Regiment. As he said, this regiment at the time of his capture in battle on the Rappahannock River belonged to "General Hooks (Hoke) brigard Early Division Ewels Corps Leas Armey." As his story shows, Malone participated in most of the great battles and campaigns in Virginia, Maryland and Pennsylvania. After his capture, November 7, 1863, he was imprisoned at Point Lookout, Maryland, where he remained until February 24th, 1865.

An inquiry as to the justification for the publication of this document would be pertinent, for on a cursory reading it seems little more than an extended weather report. Mr. Malone performed no extraordinary feat of heroism, at least none such was recorded; he participated with individual distinction in no political movement of importance; he played no role which would cause historians to single him out for particular notice. His diary is reproduced here as a document of human interest which reveals, with much quaintness of expression, the thoughts of a simple soldier of the ranks—the thoughts, it is to be presumed, of a mass of men, which have oftentimes been inarticulate. There is a frankness about this diary that conveys inevitably, I believe, the conviction of sincerity. And there is a lack of emotion—as when in remarking on an event which, we are told, caused the soldiers great grief, the death of Stonewall Jackson, he merely said, "And General Jackson died to-day, which is the 10th day of May"—an absence of bitterness and of complaints which, considering the provocation of circumstances, make the diary of almost as much interest because of these omissions as because of what is included. Perhaps the most conspicuously absent feature

is that of any statement of the Southern cause for which he was fighting. Not only does the writer refrain from criticism of the North, but he omits to tell why he is fighting for the South. He assumes the Southern cause tacitly and of course. Mr. Malone was chiefly concerned with his job of being a soldier and, as there was no passion nor rancor in his story, there was likewise no exaltation nor fervid declamation. He asserted no particular knowledge of military events nor predicted the result of any engagement. "What the result is to be is more than I no." He did not seem to have been especially elated by victory, and he was certainly not demoralized by defeat—not even that of Gettysburg. He committed himself on rare occasions to expressions which manifested a confidence in the ultimate outcome, as after a successful battle he said: "We whipt them like we aulways do." He was unconsciously a brave man who took a sober sort of joy in fighting. On one occasion, when alluding to a battle of more than four hours in length, which began about three o'clock in the afternoon, he remarked: "we had a wright nice time of it from then on tell dark." There is no notice taken of the horrors of war, of bloody scenes which he must have witnessed on the battlefield; nor were there any complaints made of the pains of the wounds he received. His attitude toward the enemy was unemotional, almost indifferent. He sometimes referred to the federal soldiers as "the Scamps," which, in view of the heated controversies of the time, must certainly be regarded as a mild term of reproach. It is true that he designated General Benjamin F. Butler as the "Yankee beast," but that was an expression then so current in the South as to be conventional so far as Butler was concerned. Having done with these negative, though very significant, aspects, it might be said that, judging from the diary, Malone was chiefly thinking—possibly from a farmer's habit—of the weather with its attendant pleasures and discomforts and about food.

One persistent habit of Malone was to record the texts of sermons which he heard, together with references to their biblical sources. This practice, in addition to revealing some interesting evidence as to the nature of Civil War sermons, will remind some

readers of the time when it was considered a cardinal sin to be unable to quote and cite the preacher's text. Religion affected him in this way not only, but it influenced his poetry.

That part of the diary which describes Malone's experience as a prisoner at Point Lookout is, I think, an important and valuable addition to the limited, first-hand material dealing with Southerners in Northern prisons. It was when writing his reflections on prison life that the first note of despair comes into his journals. His criticism of the treatment of prisoners there may be summarized under four heads: First, there was not food enough. "Our rations at Point Lookout was 5 crackers and a cup of coffee for Breakfast. And for dinner a small ration of meat 2 crackers three potatoes and a cup of soup. Sugar we have non." Later he described the food supplied by saying, "Our Rations gets no better we get half a loaf of bread a day a smal slice of Pork or Beef or Sault Beef for Breakfast for dinner a cup of Been Soup and Supper we get non." Coffee and sugar, which last commodity had for a time been supplied, had been taken away. At one time his friends caught, cooked and ate a rat. Secondly, he wrote of the poor protection against the cold afforded the prisoners. Many had to sleep on the ground with only one blanket. "All the wood we get at Point Lookout is one sholder tirn of pine brush every other day for a tent. 16 men to every tent." He recorded that five men froze to death on one night. Thirdly, he mentioned the frequent shooting of prisoners by the guards for trivial reasons. At one time he states that a prisoner was shot and killed by the guard "for no reason attall." Fourthly, he rather bitterly resented the placing of negroes as guards over him.

It will seem strange to some that the writer of this diary should have spelled General Lee's name, which undoubtedly was very familiar to him, as "Lea." This spelling of the famous name may be explained by the fact, of which I have been informed, that in Caswell County there were a number of people who spelled their name "Lea," as, indeed, did an officer of Malone's regiment. This and other orthographic curiosities must

be considered in the light of the fact that he was a graduate of the "corn field and tobacco patch" university.

No serious editing has been undertaken. Outside of an occasional attempt to indicate in some cases the accurate form of certain proper names and places, the diary has been allowed to stand without comment as written.

WILLIAM WHATLEY PIERSON, Jr.

Chapel Hill, N. C., March 25, 1919.

## THE DIARY OF BARTLETT YANCEY MALONE

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Bartlett Y. Malone was bornd and raised in North Carolina Caswell County in the Year of our Lord 1838. And was Gradguated in the corn field and tobacco patch: And inlisted in the war June the 18th 1861. And was a member of the Caswell Boys Company which was comanded by Captian Michel (A. A. Mitchell): And was attached to the 6th N. C. Regiment the 9th day of July '61 which was comanded by Colonel Fisher who got kild in the first Manassas Battel which was July 21, 1861. And then was comanded by Colonel W. D. Pender untell the Seven Pines fight which was fought the 30th day of May '61.\* And then Colonel W. D. Pender was promoted to Brigadier General. And then Captain I. E. Avry (Avery) of Co. E was promoted to Lieutenant Colonel who was in comand untell about the 10th of October when he was promoted to Colonel and still staid in comand untell the 2th day of July 1863 which was the day the fite was at Gettysburg whar he was kild. And then Lieut: Colonel Webb taken comand.

Look hear Mr. Johnston did you ever go to Scolidge  
I dont no: I guess you mean coledg dont you, Bans:  
Yes, that what I said Scoledg:  
Oh go way from hear negro you dont no what you ar a talken  
about  
Yes I do dat just what I said.

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His purposes will ripen fast  
Unfolding evry hour  
The bud may have a bitter taste  
But sweet will be the flower

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\* For a history of the Sixth Regiment, see Clark (editor), *North Carolina Regiments, 1861-1865*, Vol. I (1901).

May your days be days of pleasure  
May your nites be nites of rest  
May you obtain lifes sweetest pleasure  
And then be numbered with the blest.

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Whar ere you rome  
What ere your lot  
Its all I ask  
Forget me not.

Remember me when I am gon  
Dear friend remember me  
And when you bow befor the throne  
O then remember me.

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You are a charming little dandy  
Sweeter than the sweetest candy.

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Candy is sweet  
It is very clear  
But not half so sweet  
As you my dear

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One day amidst the plas  
Where Jesus is within  
Is better than ten thousen days  
Of pleasure and of Sin

O for grace our hearts to soften  
Teach us Lord at length to love  
We alas forget too often  
What a friend we have above.

All I like of being a Whale  
Is a water Spout and a tail.

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A certen cewer for the Toothack if the tooth is hollow take a  
pease of the scale that is on a horses leg and put it in the hollow  
of the tooth It is a serten cewer so sais J. H. Lyon.

B. Y. M.

B. Y. MALONE'S MEMORANDUM  
FOR THE YEAR 1862

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The first day of January was a beautyfull day  
And William Hester died the last day of Dec. 1861  
The 2 day was a beautyfull one and nothing happend of  
oney interest that day.

The 3 day was also a pritty day.

The 4 day we had a right smart snow and Mr. Compton is  
at our camp to day on a visit.

The 5th which is the Sabath and ther is a right smart ice  
on the ground to day And Bethel is a cooking I. H. Jonstons  
big turkey for dinner.

The 6th day was a very coal one indeed and the snow is  
about a half of a inch deep on the ground to day and Mr. I. T.  
Compton left our camp to day for home.

The 7th day I was on gard and it was a very coal day.

The 8th day was also coal and me and Bethel washed our  
close to day.

The 9th day was a beautyfull And Mr. Thomas Martin  
arived at our camp today on a visit.

The 10 day was cloudy but not much rain And I wrote a  
letter to S. F. Compton today.

The 11 day was a very pritty day over head but powerfull  
muddy under foot. And nothing happend to day worth a  
naming.

The 12 day which is the Sabath and it is a beautifull sun-  
shiney day And me and Young eat our big oposam today for  
dinner and indeed it was sum good.

The 13 was a very nice day indeed.

The 14 day the snow was about shoe mouth deep And Mr.  
Clover and Young and Joshua and my self went a rabbit hunt-  
ing and caught one squirl And indeed we saw a heep of fun  
that day.

The 15 day was a very bad day it raind all day and freezed

as it fell and at night there was about as much ice on the trees as I ever saw in my life.

The 16 day was a wright warm day and the snow nearley all melted off of the ground by night

The 17 day was very cool and cloudy

The 18 day was sloppy day And I hird today that peas was made between the North and South and I hird that our men sunk a vessel down on the Potomac last night But indeed I dont beleave a word of it.

The 19 day was a raney one and our Company was on picket gard at Greenwood Church which is in about 9 miles from Pocoquan And Mr. I. F. Richmond arived at our camp to day on a visit.

The 20 day and it is still araning and nothing happend to day of any interest

The 21 is cloudy and a raning And I am on gard today at the camp

The 22 was cloudy but no rain

The 23 was cloudy and cool but no rain And thir was hevy canonading down on the Potomac to day

The 24 was cool and cloudy in the morning and in the eavning it was a snowing And Mr. Oliver and Young went to Dumpfrees to day for witnesses for Mr. B. Murphey.

The 25 was a very cool day and Young went back to Dumfrieze to day again for witnes for B. Murphey.

The 26 which was the Sabath was a beautyfull day indeed

The 27 was a warm sunshiny day and we all went out on drill to day for the first time in too months And the Colonel prayded ous all and said that he was glad that we had not for-gotten how to drill

The 28th day was cloudy in the morning and clear in the eavning And I hope the Lieutenants get sum logs today to put a flower (floor) in his hous

The 29 was a very pritty warm day, but after night it comenced raning And I was on gard to day And my post was right befor the Colonels house door.

The 30 day was a raney day and nothing happend to day

onley me and Marshal Walker was a playing and I hurt my face with a fence rail

The 31 day was cloudy but not much rain And nothing happend today worth a menshionen.

B. Y. MALONE.

#### The Month of February 1862

The first day of February was a raney day indeed And nothing happened to day of eney interest

The 2 day which was the Sabath was a very warm day

The 3 day was a very bad day it snowed all day long and at night the snow was about six inches deep

The 4 day was a very nice day over head and the snow melted very fast all day, and we boys saw a heep of fun that day a snow bawling

The 5 day was a very warm sunshiney day and the snow was nearly all melted off of the ground by night And nothing happend to day worth a namen

The 6 day was a very raney one And Lieutenant Lea and Sergeant Couvington and H. Rudd and Mr. Balden all started home to day as recruiting officers.

The 7 day was cold and cloudy And I was on gard to day

The 8 day was very cool And Lieutenant Lea was promoted to Captian And Sergeant Olover promoted to Second Lieutenant to day And Nat Hester promoted to fourth Corporal

The 9 day which was the Sabath was a very pritty day And Thomas Grinsted dide to day he was a private in Captian Leas Company

The 10 day was clear but cool And we went out on drill today for the first time in severl weeks.

The 11 day was a very cool day And me and Cousin Anderson went down to the fourth Alabama Reg in a visit.

The 12 day was a very pritty day indeed and I went to Dumfrieze today and then returned home

The 13th day was a pritty warm sunshiney day And we went on drill twist that day.

The 14th day a wright coal day.

The 15 day was a very bad day indeed it snowed all day long and at night the snow was about 3 inches deep on the ground

The 16 day was a clear day and the snow melted a little And Mr. Luther Rudd dide to day about 8 oclock in the morning

The 17 day was a very bad day it rained all day and friezed as it fell.

The 18 day was cloudy but warm and the ice melted off and I was on gard that day

The 19 day was a very raney day indeed And Mr. I. R. Hester And Calvin Snipes arived at our camp today on a visit

The 20 day was a beautifull day it looked like the spring of the year and Mr. I. R. Moore left our camps today to go home on a furlough

The 21 day was cool and cloudy And ther was a wright smart excitement in camp today It was repoted that the Yankees was a landing at Colchester

The 22 day was cloudy and it rained a little in the morning And Mr. I. R. Hester and N. Snips left our camp today for home

The 23 day was cloudy but not much rain

The 24 day was clear and very windey indeed

The 25 day was clear and cool And A. I. Brincefield started home today on a sick furlough

The 26 day was cloudy but not much rain

The 27 day was clear and Brother Albert arrived at our camps today on a visit

The 28 day was clear but very windey and cool And ther was a wright smart stir in camps today for we had orders to pack our knapsacks and to be ready to march at a moments warning but wher we was to go too we did not no. Spring is now come.

B. Y. MALONE.

#### The Month of March 1862

The 1 day of March was clear and very cool And I was on gard in the day but being unwell I got excused from standing after night

The 2 day it snowed tell the snow was about 2 inches on the ground.

The 3 day was cloudy and rained nearley all day

The 4 day was clear and cool and our company was on picket gard today at Greenwood Chirch

The 5 day was cloudy but no rain And Brother Albert left our camps today for home

The 6 day clear in the morning and cloudy in the eavning And snowed o little And we had orders today from General Whiten (W. H. Whiting) to drill twist every day hear after

The 7 day was clear but very cool and we have orders to cook too days rations and be ready to march in the morning but where we are agoing is more than I no

The 8 day of March was cloudy and cool And our Regiment left camp Fisher today for Camp Barton

The 9 day was clear and warm And we marched about 15 miles to day on toward Camp Barton

The 10 day was cloudy and raining in the morning but no rain in the eavning And we arrived at camp Barton about 3 o'clock in the eavning which is about 2 miles west of Frederksburg (Fredericksburg)

The 11 day was a beautyfull warm sunshiney day and we cleaned our streets and struck our tents today

The 12 day was a beautyfull spring day and nothing occurd of eney interest

The 13 day was warm and clear

The 14 day was warm and cloudy but no rain And I was on gard at Camp Barton for the first time.

The 15 day was a very raney day indeed

The 16 day which was the Sabath was cloudy but no rain And our recruits got in today and the number of them was 45

The 17 day was cool and cloudy but no rain and I hurd today that we had to march back to Richmond

The 18 day was clear and warm And Lieutenant Colonel Lightfoot of the 6th N. C. S. T. was promoted to Colonel of the 5th Alabama Regt today

The 19 day was cloudy and cool

The 20 day was raney and very cool indeed  
The 21 day cloudy and cool but no rain  
The 22 day cloudy and sum rain And I was on gard and the counter sign was York Town.

The 23 day which was the Sabath was a beautyfull spring day and I went to Frederksburg to preaching And the preachers text was in St. John 3 chap and 18 virse

The 23 day cool and cloudy  
The 24 cool and cloudy  
The 25 was a beautyfull day  
The 26 was also a nice day  
The 27 warm and clear

The 28 was a beautyfull spring day and we have orders this eavning to cook 3 days rashers And I hird severl cannons fyering this eavning but what is to be the result is more than I no

The 29 day it raind and hailed and snowed and sleated and friezed and done a little of all that was bad And me and James Colmond went to Fredreksburg and went down to the landing and went in a steam boat for the first one we ever was in

The 30 day which was the Sabath was cool and raney  
The 31 day was a beautyfull day and I was on gard and my post was befour the gard house door so nothing more.

B. Y. MALONE

#### The Month of April 1862

The 6 day of April which was the Sabath was a beautyfull spring day And I went to Fredericksburg to meating and the Preachers text was in the first Book of Kings 18 chapter and 21 virse

The 7 day was a pritty one  
The 8 day was cool and raney And our Regiment left Camp Barton in the morning and marched on toward Richmond threw the wind and water and waded the creaks as they went

The 9 was still cool and raney and we continued our march And about 3 o'clock in the eavning as we was marching threw a little Town cauld Balden Green it comenced halen and raining on ous very hard And then it was about 3 miles to the Depot

wher we was to take the cars And we all got very wet befor we got ther And then about sundown we got in sum old horse cars and was run to Ashland which was about 22 miles And when we got ther I was wet and nearly frozen And I was on gard and they put me on post wright away and I had to stand 2 hours And it was a snowing a little while I was a standing

The 10 day was cool and cloudy in the morning but cleerd off about twelve and we stade in Town all day

The 11 day was a pritty clear day and we stade in Town untell eavning And in the eavning we went out in the woods about a mile from Town and struck our tents for the night

The 12 day was a very pritty one

The 13 day was also a nice one And William Jeffrus of our Company dide this morning And we had a Preacher to preach in our camp today and his text was in the Second Book of Kings 6 chapter and 15 and 16 and 17 virses.

The 14 of April was a very pritty day And our Regiment left Ashland for Yolktown (Yorktown) And our rought was down by Hanover Coathouse

The Second day we still continued our march And also the 3 and fourth we marched And the 5 day we marched and past threw the town of Williamsburg about 9 o'clock in the morning And about an hour before the sun set we arrived at General Johnston Headquarters which is in about a mile of Yolktown wher we stopt to wait for the Battle.

The 29 day of April was a beautifull day And Calvin Snips got back today from home And the Reverant Mr. Stewart from Alexander preached in our camp this eavning and his text was this: I am the Lord of Host:

#### The Month of May

The 2 day of May was a beautifull one And we had orders to leave Yorktown And soon in the morning the wagons was loded and everything sent off but our knapsacks and about 12 o'clock the Artillery was all plast (placed) in a line of battle acrost the field and about dark we was all marched out behind it and Colonel Pender told ous that they expected a large fight

the next day and we lade ther in the field all night with our guns by our side And next morning we marched out in the woods And we stade ther untell about 2 o'clock in the night And then we was rousted up and marched about a half a mile and then for sume cause we was stopt and sent back And then about day-break we started again and taken the same road back that we come down And about 12 oclock we got to Williamsburg and we onley went about 4 miles futher tell we stopt to stay all night And about 4 o'clock in the eavning the Yankees Calverv overtaken ours clost to Williamsburg and we had a little brush but our men whipt thirs and we onley lost one kild and 3 or 4 wounded And we kild 9 of thirs and wounded severl and taken 10 horses And the 5 day was a very raney one indeed and we was rousted up about 2 oclock in the night and marched all day threw the mud and water and at night we arived in about 2 miles of West Point

The 6 day we stade in camp untell about one oclock And it was reported that the Yankees was alanding down at West Point and we was all run out in a file and plast in a line of battel expeeting a fight but did not and about dark we marched back to our camp and about 8 oclock in the night we marched about a mile to another plase for sum cause and then stade thar all night And the next morning which was the 8 was a beautifull one and the Yankees was alanding at West Point and about 8 o'clock we was marched down to the intended battle field And from that time untell 12 oclock we was a scurmishing and a running from one place to another hunting the scamps And in the eavning we marched back in the woods and stade thar untell about 12 oclock in the night And then marched about a mile futher back And stad thar all night And then as soon as day broke we started on our march again And about 3 oclock in the eavning we got to West Point coathouse whar we found General Johnston and all of his men And then we marched about 2 miles futher and stop for the night

And the 9 day we rested untell about 12 oclock and then started out on our march again and befour we had gone a mile we hird that our Cavalry was attacked by the Yankees And

then we had to stop and wate a while but we whipt them like we aulways do And then we marched on but dident git but 3 miles that day And the 10 day we dident march but about a mile for we was expecting the Seamps to attack us but they did not

The 11 day which was the second Sunday in May was a beautyfull day indeed And we rested all day And the Reverant Mr. Stewart from Alexander preached to us again today

The 12 day we still stade in camp and Mr. Fossett preached for us today. And his text was in the first of Timothy 2 chapter and 8 virse

The 13 day was clear and warm

The 14 cloudy and a raining

The 15 raney And we left Camp. Road today about 12 oclock and marched on toward Richmond

And the 16 we marched

And the 17 we got to our camp clost to Richmond

The 26 day of May was a nice one but about 12 oclock in the night it comencend raining very hard And about 1 oclock we was rousted up and did expect to attack the Yankees about day but it rained so hard we did not go

And the 27 day it rained till about 10 oclock and then cleard off And about 3 oclock in the eavning the fight comencend down about Hanover Coathouse we surposed but we was not cauld out And I was promoted today to fourth Corporel

The 28 day was clear and about a hour befour the sun set we left our camp And march all night down toward Hanover Coathouse And we past in about three hundred yards of the Yankeys pickets And then we stopt and rested about 3 hours And about 8 oclock the next day we started back and went about 5 or 6 miles and stopt for the night

And the next day we went back in about a mile and a half of Richmond and staid thar all night

And the next morning which was the 30 we left and marched down toward Chickahominy And about three oclock in the eavning we was led in to the Battel field by Colonel Pender And we had a wright nice time of it from then tell dark

And the next morning which was the first day of June the

fight comenced a little before the sun rose And we was plast (placed) in a line of Battel And was expecting to go in to it evry minuet but we staid there all day and was not cauld on; General Longstreet divishion don the most of the fighting on Sunday And from that time till the 11th we stade in the Swamp down on Chickahominy River

And the 11 day we left Chickahominy And went to Richmond and taken the cars and went to the Junction that night

And the next morning we left thar And about a hour befour the sun set we arived at Linchburg

And the 12 day we stade at Linchburg

And the 13 day we got on the cars about dark and the next morning we found our relief at Sharlottsville (Charlottesville) which was about 75 miles from Linchburg And we chainged cars at that plase And the 14 day we traveld threw the Mountains And about too hours befour the sun set we got to the little town cauld Staunton And we stade ther tell the 18 And the 18 which was just twelve months from the time I taken the oath we left Staunton And marched about 15 miles wright back the railroad the way we came down And stade all night at a little town cauld Wainsborough (Waynesboro) clost to the Turnel

And the next morning we croust over the Blew ridg and marched to Mitchiners River And staid thar all night And the next morning which was the 20 we taken the cars at Mitchiners River and road up to Sharlottsville And then taken a railroad thar that went to Gordnesvill And we got to Gordnesvill about 2 o'clock in the eavning and we taken the Richmond Railroad thar And road about 25 miles toward Richmond at a station cauld Frederickshall And thar we got off

The 21 we stade at Frederickshall

And also the 22 we stade thar

And the 23 we started out again on our march and marched all day long threw the hot sun and dust for it was very hot and dusty the 23 but it raind that night.

And the next day (which was the 24) we still continued our rout and when we stopt for night we was in 6 miles of Ashland

And the 25 we travield all day long and at night we camped a mile west of Ashland

And the 26 we travield sloley down the Chickahominy River driving in the pickets as we went

And the 27 we still went on and about 3 o'clock in the eavning we come up with the main body of the Yankees (at Cold Harbor) and attacked them And from that time untell dark we had a wright warm time of it But we whipt them And in our company A. Burk was kild and A. Tucker and Page was slitley wounded

And the 28 we marched about a mile the other side of the battle field and stade thar all day,

And the 29 we stade at the same place And about 2 o'clock in the eavning we had orders to fall in to march but we did not go And as we was stacking our armes again one of Captain Tates men shot another one threw the thigh but it was don axidentley

And the 30 we was rousted up about too o'clock in the night and about day break we started out again And crost the Chickahominy River and marched untell we came to the York river Railroad 8 miles below Richmond And then we taken down the Railroad and about 2 hours befour sunset we come to a little creak whar the Yankees had burnt the bridg . And left sum of thir peases thar to bumb us so we couldent build the bridge untell they could get thir armey futher along, And we never got the bridge built untell next morning about a half of a hour by sun

#### The Month of July 1862 (Also August to December)

And the next morning whitch was the first day of July just twelve months from the time I left home we crost over and about 10 o'clock we overtaken the scamps again And they commenced throwing bumbs amung us And we amung them And thar was a very heavey canonading cept up all day And a little befour night the pickets commenced fyring And from that time untell about a hour in the night thar was very hard fiting don indeed And a great meney kild and wounded on

boath sids in our company M. Miles L. Smith, B. Murphey, I. Calmond, G. Lyons And my self was all hurt

And the next day which was the second was a very rany day indeed And our Regiment moved back in the woods a peas and stade thar all day

And the next day we marched back about three miles toward Richmond and stopt for the night

And the 4 day we marched down on James River about 25 miles from Richmond

And the 5 we stade at the same plase untell sun down And then our Regiment had to go on picket And we marched down in about a mile of the Yankees and sent out our detail

And also the 6 day we was on picket at the same plase

And the 7 day we was releaved about twelve oclock And then we marched back about a mile in the woods

And the 8 we stade thar untell about 4 oclock in the eavning And then we started out for Richmond And we marched untell about 10 oclock in the night and we got as far as White Oak Swamp which was about 10 miles from the plase whar we started

And the 9 day we started again about 4 oclock and we got in about 3 miles of Richmond And then we moved up in about a mile and a half of Richmond and taken up camp and the 11 we got sum flages and put them up And Mr. I. H. Compton arrived at our camp today on a viset

And the 12 day we still stade in camp And also the 13 we stade in camp and Mr. I. H. Compton left our camps today for home for him. And we still staid at Richmond untell the 7 of August And then we left thar And marched about four miles toward Ashland And when we stopt it was dark And then our company had to go about 5½ miles futher to stand picket and it was 12 oclock in the knight when we got to the plase whar we we was to stand:

And the next morning we was releived and we had to go back to our Regiment again:

And the 9 day we started out again about four oclock in the eavning and marched untell about one oclock in the knight

And when we stopt we was about thre miles beyond Ashland which was about 15 miles from the plase whar we started from

And the 10 day we started again about 4 oclock and we went as far as Hanover Junction which was about 6 miles

And the 11 day we started in the morning and marched about 5 miles down clost to a little river and stopt again to take up camp

And the 14 day our Regt left thar and marched up toward Gordensvill And I was not able to go with them so they excused me and started me back to the Hospital clost to Richmond And we had to walk to Hanover Junction which was about 4 miles And we had to stay thar all next day for we could not get eny cars to tak us eney futher

And the 16 day we got on the cars about 8 oclock and got to the Hospital about 11 And then I staid at the Hospital untell the 2 day of September And then I taken the cars at Richmond and got as far as Gordensvill the first day

And the 3 day we rode on the cars as far as Rapadan River and Bridg was burnt thar and then we had to walk from thar to our Regiment And it was 115 miles to Winchester And 35 from thar to the Reg. but we left Rapadan the 4 day and walked up the railroad to Culpeper Coathouse which was 12 miles from Rapadan River

And the 5 day we taken the turnpike road and marched as far as Warrenton Springs which was 18 miles from Culpeper

And the 6 day we got to Warrenton about 12 oclock which was 7 miles from Warrenton Springs And by nite we got to a littel Town by the name of Baultimore And it was 5 miles from Warrenton

And the 7 day we got to a littel town by the name of Haymarket about 12 oclock And we didnt get but about 4 miles futher that day for we had to stop to get sompthing to eat

And the 8 day we got as far as Aldie and it was about 15 miles from Haymarket

And the 9 day we got to Leasburg and it was about 12 miles from Aldie

And the 10 day we past threw a littel town by the name of

Hamelton and it was about 5 miles west of Leasburg And the 11 day we got to Snigerville about nite and it was 10 miles from Hamilton.

And the 12 day we crost over the Blew ridge in the morning and about 10 oclock we crost Shandal River and it was about 4 miles from Snigerville And by nite we got to Berrysville and it was 5½ miles from Shanandoah

And the 13 day we got to Windchester and it was about 10 miles from Berryville

And then we stade at Windchester untell the 16 and then we started to Harpersferry and we got as far as Berryville the first day and then taken the left hand road and got as far as Charles-town the 17 day

And the 18 day we crost the Potomac at Shepards town about nite and it was 24 miles from Berryville

And the 19 day we crost back again and got as far as Charles-town by night and the 20 day we got to Berryville again

And the 21 we travailed untell we got in 4 miles of Windches-ter and then taken the wright hand road to go to Martinsburg and we past by the Burnt Factory and got as far as Jordons Sulphur Springs by night.

And the 22 day we got to a littel town by the name of Buck-town and the 23 day we got to our Reg. and it was clost to Martinsburg and Martinsburg was about 22 miles from Wind-chester

And then the 27 the Regiment left thar and marched in five miles of Winchester

The 22 of October was cool and very windy indeed and the 23 was clear and cool and we had a General revew

And the 24 we left our old camp and marched about a mile near to Windchester to pease of woods and taken camps in them again

And the 28 we left thar for Culpeper and got as far as Shanadoah River the first day

And the 30 day the fields was white with froust and about sun up we waded the River at Front Royal and by night we got as far as a littel town by the name of Flint Hill

And the 31 day we marched all day and got in five miles of Culpeper by nite

And the first day of November we got to Culpeper

And the second day which was the sabath I went to meating at Culpeper And the preachers text was in St: John 16 chapter 7.8.9.10 and 11 virses

And the 3 day we marched over to the old battel field at Sedar Run which was about 3 miles from Culpeper and stopt again for camp

And the 7 day it snowed

And the 8 day the Second and 11 Myssissippians left our Bregaid and the 54 and 57 N. C. taken thir plases

And the 9 day was a very cool day

And the 10 day was a pritty one indeed and thar was a very hevy canonading cept up all day sum whar between Culpeper and Windchester and we had orders to cook rashions and ex-pected to be cauld on evry minnet but was not

And the 18 day we left Culpeper for Fredericks and the first day we was as far as Rapidan River by nite and we marched all day threw the rain and mud the 20 and also the 21 and the 22 we got to Fredericks about 12 o'clock

And the 5 day of December it raind all day and about night it comenced snowing and snowed untell it was about a inch and a half deep on the ground And the 6 day and 7 was very cool indeed

And the 11 day the too signerl guns was fyerd just befour day and we was run out in a line of battel and kept so all day and the Yankees crost over the River that day

And the 12 day we was marched around to the left of our armey and was expecting to have to fight every minnet but did not for thar was no fiting don except the pickets and canonading

And the 13 we was marched back to the wright and laid in a line of battel all day under the Yankees shells but non of ous got hurt

And that nite we was sent to the front on picket and laid clost to the enemey all nite and went marching about day we comenced fyring at them and cept it up all day and there was about 15 kild and wounded in our Regt: but non kild in our

Company, B. Richmond and P. S. Donahan was slightly wounded and that nite we marched back in the woods. And we staid thar all day the next day and at nite we had to bild ous sum brest works

And the next morning which was the 16 General Hood came riding up and said well Boys you all did such great works hear last nite that you scard the Yankees on the other side of the river but we staid thar all day

And the next morning which was the 17 we marched back to our old camps

And the 24 day was cool and cloudy and it was wash day with me.

And the 25 which was Christmas morning was foggy but soon cleard off and was a pritty day but I didnt have nothing to drink nor no young ladies to talk too so I seen but little fun

And the 26 was a warm cloudy day and me and M. Walker went to the depot

And the 27 we and Lewis Smith went back to the Depot and after nite I went to the show to see the Monkey.

And the 28 day was clear and warm and Preacher Miller of Company C. preached for ous in the evening and his text was in 126 Psalms and third virse the Text was this The Lord hath done great things for us: Whereof we are glad:

And the 29 day was a prity warm sunshiney day And I was on divishion gard at General Hoods headquarters

And the 30 day was warm and cloudy but no rain

And the 31 day which was the last day of 1862 was cool and cloudy and our Regiment had muster inspection in the day and at nite our Company had to go on picket gard down the bank of the Rapahanok River whar we was in about a hundred yards of the Yankees pickets they was on one side of the river and we was on the other we was in talken distence but our officer would not alow ous to talk they would cum down on the bank and hollow to ous and say if we would bring the boat over that they would come over on our side and have a talk. So that was the last of our works for the year 1862.

BARTLETT Y. MALONE

Co. H. 6th N. C. Regiment

## THIS IS FOR THE YEAR 1863

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### The Month of January

The first day of January was a pritty day and our Company was on picket down on the Rapahanock River about a mile and a half below Fredericksburg Va.

And the 2 day was also a nice one

And also the 3 was a pritty day

And the 4 day was a pritty warm day and we all was on Bregaid inspection the 4th.

And the 5 day was warm and looked like the spring of the year and we was all on Bregaid Drill the 5 day down on the old Battel field.

And the 6 day was cloudy and raind a littel

And the 7 day was clear and cool and we all was in General Revew

And the 8 day was cloudy and cool

And the 9 day was clear and cool and we all was on Divishion revew again General Hood was our revewing Officer

And the 10 day was cloudy and raind all day long

And the 11 was cloudy and cool

And the 12 day was a pritty day

And also the 13

And the 14 was warm and cloudy and we built a chimly to our tent today

And the 15 day was warm but very winday and R. H. Wells started home this morning on a furlogh

And the 16 day was a very pritty warm day and we had orders to cook too days rations we was expecting the Yankees to cross the River again but they did not

And the 17 day was clear but very col indedd:

And the 18 was cool

And the 19 was warm and I was on gard

And the 20 was cloudy and cool

And the 21 was a very cool and raney day,

And also the 22 day was raney and very cool.

And the 23 day was cloudy in the morning and cleared off warm about an hour befor the sun set

And the 24 day was warm and cloudy and the old Bludy 6th and 54 and 56 N. C. Regt was transferrd from the old 3 bregaid which was comanded by General Law (E. M. Law) to the 7 Bregaid which was comanded by General Holk (R. F. Hoke).

And the 25 day was cloudy and raind a littel in the morning about 12 o'clock and we got to General Holk (Hoke) Bregaid about 11 o'clock which was 15 miles from General Lows (Law's) Bregaid whar we started from:

And the 26 day was warm and cloudy

And the 27 was a very raney day indeed

And when I got up the morning of the 28 it was a snowing and it snowed all day long

And the 29 day was clear and cool and the snow was about 10 inches deep on the ground

And the 30th was clear and cool

And the 31 was pritty and Mr. Mitchel Johnston and Mr. John Evans arrived at our camp today on a visit.

#### The Month of February 1863

The first day of February which was the Sabath was a pritty spring day

And the 2 day was cloudy and raind in the morning but clear and very windy in the eavning

And the 4 day was cloudy cool and windy

And the 5 day it Snowed in the morning and raind in the eavning

And the 6 day was raney

And the 7 clear and warm

And the 8 day which was the Sabath was a beautyfull spring like day

And the 9 was also pritty and

And the 10th day was snowing and also the 11 was

And the 12th was a pretty warm day.

The the 13 was clear and cool.

And the 14th was cool and clear.

And the 15 was warm

And the 16 was warm and clear

And the 17 was a snowy day and we all had to go on picket down at Port Royal.

And the 18th it raind all day long and the snow nearly all melted of by nite and we still stade on picket

And the 19th was cloudy but no rain and we returned to our Regiment

And the 20 was warm and clear

The 21 was warm and clear

The 22 was a very bad day it snowed and the wind blew all day and at nite the snow was about a foot deep.

And the 23 day was warm and clear but the snow didnt melt no great deal

And the 24 was warm and General Stokes Bregaid and General Lautons (Lawton?) had a snow ballen

And the 25 was a warm sunshiney day

And the 26 was a raney day and nearley all of the snow was gone by nite.

And the 27 was warm and cloudy and our Brass Ban got back from Richmond.

And the 28 which was the last day of February was coal and cloudy. And Mr. Portland Baley of Company D. 6th Regiment N. C. Troops was shot to death to day at 2 oclock with musketry.

Now the dark days of winter is gon And the bright days of Spring is come.

B. Y. MALONE.

#### The Month of March.

The first day of March was coal and raney in the morning and in the eavning it was clear and very windy And the 2 day was a beautyfull Spring day.

And the 3 day was a beautyfull one and our Regiment left the old camp clost to Port Royal and marched back clost to Fredericksburg and taken camp again clos to the one we left

The 16 day of March was cloudy and coal And Mr. Stons

in Co. F. 57 N. C. Regiment was shot to death to day with musketry.

The 17th of March the Yanks crossed the Raphanock River at Keleys foad and our calvry whipt them back.

And the 20 was cloudy in the morning and snowed a littel in the eavning and Mr. I. H. Compton arived at our camp today on a visit And the 21 it Snowed untell it was about 3 inches deep on the ground

And the 22 the snow all melted off And Mr. Compton and Johnston left camp today for home.

The last day of March the Snow was about 3 inches deep on the ground.

#### The Month of April (May and June)

The 4 day April was cloudy and coal in the day and after nite it comencend Snowing And the morning of the 5 the Snow was about 3 inches deep on the ground and five companys of our Regt had to go on picket down on the Raphanock River

And the 6 day was clear and warm and the snow nearly all melted of by nite and we still staid on picket and the 7 day we retired to our camps.

The 18 day which was the Sabath was a beautyfull Spring day and General Jacksons preacher preached in our camps and his text was in Hebrews 3 chapter and part of the 7 and 8 virses the words was this: To day if ye will hear his voice harden not your harts.

The 23 day was raney and we had orders about nite to cook too days rations thar was sum few Yankees crossed over the river at Port Royal and taken a wagon or too from our men but they soon went back and our Regt didnt have to leave the camp

The 26 day of April which was the Sabath was a beautyfull day And I went to meating at General Jackson Headquarters And the Preacher taken part of the 16th chapter of Luke commencen at the 18 virse for the foundation of what remarks he made And in the eavning we had preachen in our Regiment from a preacher in the 18th Virginia Regiment. And his text

was in Proverbs 18th chapter and the later clause of the 24th virse which reads thus: Ther is a friend that sticketh closter than a brother:

The morning of the 28 befour I got up I herd a horse come threw the camp in a full lope and it was not meney minutes untell the man come back and sais Boys you had better get up we will have a fight hear to reckly and I comenced geting up and befour I got my close on they comenced beating the long roal and it was not but a minnet or too untill I herd the Adgertent hollow fall in with armes the Reg: then was formed and marched to the Battel field the Yankies comenced crossing the river befour day and by day they had right smart force over the pickets fought sum on the 29 and a good deel of canonading was don and it raind sum in the eavning

The morning of the 30th it was a raning and evry thing was very still untill about twelve o'clock it ceased raning about ten o'clock they comenced cannonading and cept it up untill dark

The first morning of May 63 our Regiment had to go in front on picket it was very foggy in the morning but soon got clear as soon as the fog was off we found the Yankees had a very strong line of Scirmishers in about 5 hundred yards of ours we cood see a great meney Yankees on the other side of the river but we couldent tell how meney was on this side we could hear very hevy canonading up the river in the eavning It is repoted that our men and the Yankees was a fyting at Keleys Foad:

The 2 day of May was a very pritty day and our Regiment was relieved from picket about day and fell back to our brest works again our men fyerd on the Yankies from too Batterys about 10 o'clock and the Yankies returned the fyer from one Battery it was kept up about a hour but no damedge don as I have herd of we can still hear them a fyting at Keley's Foad

And about 5 o'clock in the eavning we could see the Yankees a marchen up on the other side of the river by regiments and most all went back from on this Side of the river and General Earley thought that they was all a going back and taken all of his men but a Louisiana Bregaid and started to reinforce General Lea And about the time we had gone 6 miles they come

orders that the Yankees was atvancen again whar we had left And then we had to turn back and march all the way back about 10 o'clock in the nite. And the next morning which was the 3 day our men comenced Buming (bombing) the Yankees and they returned the fyer and ther was right smart canonading and picketing don untell about 12 o'clock and then for sum cause we was all ordered to fall back about a half of a mile to our last breast works but as soon as dark come we marched about 2 miles up the River.

And the next day which was the 4 we was marching about first from one plais to a nother a watching the Yankees untell about a hour by sun and the fight was opend our Bregaid went in and charged about a half of a mile and just befour we got to the Yankee Battery I was slitley wounded above the eye with a peas of a Bumb non was kild in our company. Lieutenant Walker was slitley wounded in the side. I. R. Allred was wounded in the arm hat to have it cut off. I. E. Calmond was slitley wounded in the arm. I. L. Evins had his finger shot off—the fift day we found the Yankees had all gon back on the other side of the River and we marched back down to the old camp ground and taken up camp again

The 10 day of May which was the second Sunday was a very pretty day and I went to headquarters to preaching and the preachers text was in Romans the 8th chap and 28 virse the words was this: And we know that all things work together for good to them that love God. And General Jackson died to day which is the 10th day of May

The 17 and 18 days was pritty and warm and our Regiment was on picket down on the Raphanoc and the 18th we got back to the camp:

And again the 25th we had to go on picket And the 27 we got back about 12 oclock and in a few minuets after we got back we had to go on a General Revew General R. E. Lea reviewed General Earleys Divishion.

The last day of May we had marchen orders and after nite Mr. Tassett preached in our Regt his text was in St. Johns 3 chapt & 16th virse.

The 4th day of June about 11 Oclock in the nite we left our old camp clost to Fredericksburg and marched twar Culpeper and bout 6 O'clock the 5th day we got to Spotsylvaney Coathouse and about 2 o'clock in the eavning we stopt for to camp for the nite after marchen about 20 miles that day And the 6th day we stade in camp untell about 2 O'clock in the eavning for General Hils core was a fiting at Fredericksburg the Yankees crossed ther after they found out that we had left we marched about 8 miles the 6th day and it raind on ous very hard befour we taken up camp.

And the 7th day we started on our march about sun up and about 12 o'clock we waded Rapadan River at Rackoon Foad and about 4 O'clock in the eavning we stopt to camp again in about 5 miles of Culpeper Coathouse.

The 8th day we marched up to Culpeper and stopt to cook Rations The 8 day we staid at Culpeper untell about 3 O'clock in the eavning and then we was ordered down to Brandy Station about 4 miles from Culpeper whar the Calvry hat bin fiting all day and we staid all nite and the next morning we found that the Yankees had all gon back on the other Side of the River and we marched back to Culpeper again and cooked another days rations and about 3 O'clock in the eavning we started again in the direction of Winchester and we got as far as Hasel Run (Hazel Run or Deep Run) by nite And the next morning which was the 11th we started about sun up and about 9 O'clock we got to a littel town cauld Woodwin and whilst we was a passen threw the 6th N. C. Brass Ban plaid the Bonnie Blew Flag. And about eleven O'clock we got to a littel town cauld Sperysvill 5 miles from Woodwin And about 2 O'clock in the eavning we past threw Washington and ther we found a meney pritty and kind Ladies they had water all along the streets for the Soldiers to drink and we didnt go but a few miles futher untell we stopt for the nite after going about 20 miles that day.

And the morning of the 12th we started about sun up and about 3 o'clock in the eavning we crossed over the Blew Ridg and past threw a littel town cauld Front Royal and about a

mile from ther we waded the Shonadoak River and taken up camp on the other bank that nite.

And the morning of the 13th we started at day and when we got in 12 miles of Winchester we found that the Yankees was at New Town on the Pike road running from Winchester to Strawsburg (Strasburg) 7 miles from Winchester and we turnd and went by ther and caught up with the Yankees about half way from ther to Winchester and attacked them and drove them back about a mile by nite

And the next morning which was the 14th General Hooks (Hoke) Bregaid and General Smith and Hoses (?) all moved around to the west of Winchester and taken 20 peases of artillery with ous and when we got opersit the Yankees work the artillery taken ther position and about 3 o'clock in the eavning our Baterys opend on them taken them on surprise and General Hares (?) and General Smith Bregaid charged on them and taken their first line of brest works befour nite And General Johnstons (Johnson) Divishion was a fiting them on the other Sid clost to town

And the next morning which was the 15th the Yankees had left their works and was a trying to make thir escape toward Martinsburg but about day they run up on General Johnstons divishion about 5 miles from town wher three Regt of them was maid to stack thir armes and a grate meney kild and wounded we then marched down to whar Johnston fought them that morning and stopt and staid ther all day

And the next morning about 10 o'clock our Regt was marched back to Winchester for Provost gard and about a hour befour sun down I was sent to Taylor's Hotell with 10 men to gard the Yankees Prisoners And I staid ther the next day and also the next

And the next morning which was the 18th I was relieved about 9 O'clock and started after my Regiment and about 3 o'clock in the eavning we got to Smithfield and by nite we got to a littel plais cauld Leas Town which was 22 miles from Winchester and we staid ther all nite and the next morning we over-

taken our Regiment about five miles from ther wher we staid all day

And the next day we staid ther

And the 22th we taken up a line of march again about day and about 7 o'clock we past threw Shepardstown and ther waded the Potomac and landed in Maryland about 8 oclock And about 3 miles from ther we past threw Sharpsburg And about 3 miles from ther we past threw Ketersvill And about 3 miles from ther we past threw Boonesboro and about 3 miles from ther we stopt to camp.

The 23 we left about day and when we had gon about 4 miles we come to Beversvill and about 7 miles from ther we past threw Coverstown And about a mile from ther we past threw Smithburg whar we found a good meney Secesh And about 2 miles from ther we got to a littel town cauld Ringgoal wright war the line run between M. D. & Pa. And about 2 miles from ther we stopt to camp and cook rations closs to Wainsboro.

The morning of the 24 we left about 7 oclock and after marching about 5 miles we come to a town cauld Quincy And about 3 miles from ther we past threw Funktown and about 4 miles from ther we got to Greenswood whar we taken up camp for the nite but our company had to go on gard at a town cauld Faytvill about 2 miles off.

The morning of the 25th I got a Splendid breakfast in Faytvill And about 2 Oclock in the eavning we was releaved and went back to the Regt:

And the next morning which was the 26th we had orders to leave at day break but it was a raning so hard we dident leave untell about 8 oclock and it dident Still sease raning but raind all day but we got as far as Momenburg by nite which was 14 miles from wher we left in the morning And our Calverv taken a 135 prisners clost to the lettel town

The 27 we left about 6 oclock and after marching about 6 miles we come to a town cauld Hunterstown And about 4 miles from ther we got to New chester And 3 miles from ther we

got to Hampton And 3 miles from ther we got to Berlin wher we taken camp for the nite

The 28th we left at sun up and about 12 oclock we got to Yolk which was 12 miles from Berlin:

The 29th we stade at Yolk in the Yankees Hospital.

The 30th we left at day break and taken the same road back that we com And about 12 oclock we got back to Berlin again And when we stopt for nite we was about 20 miles from Yolk:

#### The Month of July

The first morning of July we left earley and about 12 oclock we got to Gatersburg (Gettysburg) which was about 10 miles from wher we started in the morning And when we got there we found the Yankies was ther And in a few minutes after we got ther we was ordered to the feal Our Bregaid and General Haser (Hays) charged the enemy and soon got them routed and run them threw the town and then we stopt

In our Company George Lyon Marshal Walker and Thomas Richard got kild And Sidney Hensby Anderson Plesant D. A. Walker Garababel Grimstead William Dunervant & Bedford Sawyers was wounded

The 2 day we laid in a line of battel at the Same plais And the enemies picket a firing on us all day Thomas Miles kild on picket Shot in the head And about Sun down our Bregaid and Hoser was ordered to charge just in frund and take the enemes Batterys we charged and succeeded in driven the infantry from behind two stone fences and got part of the Batterys But it was soon so dark and so much smoke that we couldent see what we was a doing And the enemy got to geather again and we had no reinforcement and we had to fall back to our old position Colonel I. E. Avry (Avery) was kild in the charge in our company non kild Andrew Thompson Franklin Wells and R. Y. Vaughn was wounded And Michagels Miles misen

The 3 morning we went back in town and laid in a line of battel all day in the Streets And ther was a great deel of fiting don that day but our Divishion was not cauld on

The nex morning about a hour befour day we went back about a mile from town and staid ther all day

The morning of the 5 we left befour day and it a raining as hard as it could poor and marched in the direction of Hagerdstown and didnt get but about 6 miles all day for the Yanks calvry kep a running up on ous all day

And the 6th we left at day and about 2 oclock we got to Wainsboro and we past threw town and then stopt to cook rations

The 7th we taken the road to Hagerdstown which was 10 miles from Wainsboro And about 2 oclock in the eavning we got ther and taken up camp

The 8th day it raind very hard and we still stade at the same plais the 8 we staid ther and the 10 we staid at the same place until about a hour by sun And then started and past threw town and went about a mile toward Williamsport and stopt and staid all nite

The 11th we taken our position in a peas of woods and after nite built brest works

The 12th we staid behind our works and no fitng don except sum picketing And after nite we was ordered to the wright And was marched down in rear of A. P. Hills old Division

The 13th we staid ther untill dark and then started to restreet back across the Potomac And it was about 6 miles to the river and it was a raning very hard And we was a moving all nite and the next morning about sun up we waded the Potomac at Williamsport and it was waist deep And then we marched about 6 miles and stopt to cook rations

The 15th we marched about 7 miles and stopt at nite clost to Martinsburg And the 16th we marched up to Darksville and stopt again And we still staid at Darksville untell about a hour by sun and marched to the Alagater mountain by 10 Oclock in the nite:

The 21 we left at day break and crost the mountain And marched as far as Hedgersvill by 2 Oclock in the eavning which was 25 miles we expected to bag the Yankees at plais but when we got ther they was all gon;

The 22th we left Hedgersvill and marched back to Bunker-hill whitch was 18 miles.

The 23 we marched and about 10 oclock we marched threw Winchester and taken the road to Culpeper and marched about 5 miles and stopt for the nite:

The 24th we marched near the Shanadoah River and found that the Yankees had got possession of the gap in the Blew Ridg

And then we taken the write and come in to the Winchester and Stanton Road at Middeltown 5 miles from Strawsburg and we stopt at nite clost to Strawsburg which was 23 miles from wher we started at in the morning

The 25th we marched all day toward Stanton and travild about 18 miles and stopt clost to Edensburg:

The 26th we past threw Hawkenstown and 2 miles from ther we come to Mount Jackson and we marched as far as New Market and stopt fer the nite

The 27th we left the Stanton road and taken a road that led to Gordensvill: we crost over the Shanadoah mountian and crost the Shanadoah river on Pontoon Bridges and when we stopt at nite we was at the foot of the Blew Ridg which was 18 miles from Newmarket

The 28th we crost over the Blew Ridg which was 14 miles across it

The 29th we marched up to Maderson coathouse whitch was 6 miles and stopt and taken up camp

The 30 we staid at the same plais

The 31st we left at one Oclock and marched down between Culpeper and Gordensvill

A list of Co. H.

Sargants.

1 Johnston I. H.  
2 Rudd A. P.  
3 Bauldin W. H.

4 Hester N. W.  
5 Malone B. Y.

Corporal

1 Murrie W. W.  
2 Biele C.

3 Walker M. H.  
4 Tompson A. J.

## Privat

- |                     |                          |
|---------------------|--------------------------|
| 1 Aldridg I. H.     | 35 Miles J. S.           |
| 2 Anderson Q. T.    | 36 Moore A.              |
| 3 Alred J. B.       | 37 Malone H.             |
| 4 Bivins M          | 38 Murrey T              |
| 5 Brincefield A. J. | 39 Mckinnie Murphy B. P. |
| 6 Brankin I         | 40 Mosey J. W.           |
| 7 Boswell T         | 41 Oliver J. S.          |
| 8 Cooper W. H.      | 42 Olver T               |
| 9 Covington I. E.   | 43 Plesant A. M.         |
| 10 Compton I. E.    | 44 Page F.               |
| 11 Colmond J. E.    | 45 Roberson J.           |
| 12 Cape T. H.       | 46 Rudd E.               |
| 13 Chatham C        | 47 Richmond W.           |
| 14 Donoho S.        | 48 Richmond T.           |
| 15 Dunervant I.     | 49 Rigan N.              |
| 16 Dunervant W.     | 50 Simpson F.            |
| 17 Evins T. H.      | 51 Swift R.              |
| 18 Enoch R. H.      | 52 Smith L.              |
| 19 Fauller I        | 53 Swift H. A.           |
| 20 Fitch G. S.      | 54 Stadler G.            |
| 21 Grimsteard G.    | 55 Subfield R.           |
| 22 Hensley S        | 56 Snips J. C.           |
| 23 Hensley A        | 57 Tucker A.             |
| 24 Huges W. A.      | 58 Vaughn R. Y.          |
| 25 Hooper N         | 59 Williams J. W.        |
| 26 Johnston I. H.   | 60 Williams J. R.        |
| 27 Kersey L.        | 61 Walker John           |
| 28 King S           | 62 Walker W. S.          |
| 29 Lyon G.          | 63 Walker J. H.          |
| 30 Lyon I. H.       | 64 Walker D. A.          |
| 31 Loyd I. W.       | 65 Walker W. T.          |
| 32 Lewis C.         | 66 Wells M.              |
| 33 Miles M.         | 67 Wells W. F.           |
| 34 Miles T. C.      | 68 Wren W.               |

Bartlett Y. Malones, Book  
This the 19th of Nov. 1863

Bartlett. Y. Malones Book  
This is the 18th of Dec. 1863

Bartlett. Y. Malone Seg't. of Co: H.  
6th N. C. Regiment  
This the 22d of Dec. 1863

And we staid in camp clost to Rappidan Station untell the 14th of Sept. 63. And the morning of the 14th we was rousted up and gave orders to cook one days rations. And about sun up we started to meat our enemy and we met them at Sumers-vill foad on the Rappidan River which was about 5 miles from our old camps. We had not bin there long untell our enemy comeneced throwing bumbs amung us but as soon as our Batterys got position and fired a few shots the yanks all left the field. And the 15th we laid in the woods all day. No fiting don but some canonading and picketing but at dark our Reg't went on picket down at the foad. The 16th as soon as lite our men comeneced firing at the Yanks and they at us and kept it up all day about 10 o'clock in the day Capt. Pray of Co. D & Lieut Brown of Co. E and 18 men voluntierd and went up the river and crost in a littel Boat and Slipt up to some old houses and fierd at the Yanks & run about 200 of them out of their works and captured a horse severl good Guns Blankets another trick and then crost back and never got a man hirt. They kild 4 or 5 of the Yanks & wounded 4 which they taken prisners. We got 4 wounded in our Reg't. dewing the day. At nite we was relieved by the 57th N. C. Reg't. The 17th no fiting don except a few picket shots evry now an then at the foad.

Evry thing was quiet then untell the 5th day of Oct. 63. And the 5th day of Oct. about tenn Oclock we was ordered to fall in at a moment and then marched to our post and taken our position in a line of battel. And we remaind so untell nite and then was marched back to our camps again. The Yanks

could be seen mooving about from a hight on our side of the river. Our Generals surposed that they was agoing to make an efert to cross. But they did not: they was onley moving camps: All was quiet then untell the 8th. The 8th day we left our camps about dark and marched about 2 miles and stopt and staid all nite. The 9th day we marched up to Orange C. H. by 12 o'clock: then taken the road to Maderson C. H. (Madison) marched 6 or 7 miles and stop for nite again.

The 10th we got to Maderson by 4 o'clock in the eavning and crost Roberson River at 3 and then marched about 4 miles futher toward Culpeper and stopt for nite our Cavalry had a littel fite in the eavning at the River taken about one hundred prisners. The 11th we marched toward Culpeper and got in 6 miles and stopt and cooked 3 days rations. it was 20 miles from Maderson C. H. to Culpeper C. H.

The 12th we had orders to leave at 2 o'clock: A. M. but did not leave untell day we marched on then untell we was in 2 miles of Culpeper. And then taken the left and came in the Warrenton road at Pickersvill And there we waded Haselrun and marched on to the Rappahannock River and camped clost to Warrenton Spring. The 13th we marched up to Warrenton and stopt and cookod 2 days rations: The 14th we left for Bristol but had to drive our enemey befour us our Cavalry was fiting them allday and some times the Infantry, our Divishion don a great deal of hard marchen had to dubbelquick nearly one third of our time. A. P. Hill Corps overtaken the Yanks at Bristol Station and had a littel fite: we did not get ther in time to be ingaged

The 15th the Yanks had all fell back to Sentervill (Centerville) we did not go eney further our Cavalry folerd them and taken severl Prisners.

The 16th we tore up the Railroad

The 17th we staid in camp clost to Bristol Station.

The 18th we left at 3 o'clock in the nite for Rappahannock and got as far as Beattoe Station by nite.

The 18th we marched to the Rappahannock and crost and went in camps between the river and Brandy Station

The 28th our Reg't went on picket on the Rappahannock  
The 29th we was relieved  
The 30th we had bregaid drill  
The 31st had muster inspection

The Month of November (and December)

The 5th day of Nov. General Lea & Governer Letcher of Va.  
reviewed General Stuart Cavalry clost to our camps

The 6th we was paid off And paid up to the first day of  
November, 1863.

The 7th about 2 o'clock in the eavning orders came to fall in  
with armes in a moment that the enemy was atvancen. Then  
we was doubbelquicked down to the river (which was about 5  
miles) and crost and formed a line of battel in our works and  
the yanks was playing on ous with thir Artillery & thir skir-  
mishers a fyring into ous as we formed fyring was kept up  
then with the Skirmishers untell dark. And about dark the  
yanks charged on the Louisianna Bregaid which was clost to  
the Bridg and broke thir lines and got to the Bridge we was  
then cutoff and had to Surender: was then taken back to the  
rear and staid thir untell next morning The morning of the 8th  
we was marched back to Warrenton Junction and got on the  
cars and about day next morning we got to Washington we  
then staid in Washington untel 3 o'clock in the eavning of the  
8th then was marched down to the Warf and put on the Steamer  
John Brooks and got to Point Lookout about one O'clock on the  
eavning of the 10th day of November 1863. The names of the  
men that was taken prisner when I was belonging to Co. H. was  
Capt. Lea Lieut. Hill W. H. Bowldin N. W. Hester W. W.  
Murrie C. Rile H. Malone I. R. Aldridge L. T. Anderson A. I.  
Brincefield I. E. Covington T. Y. Compton I. C. Chatham T. H.  
Evans G. R. Grimstead W. A. Hughs N. Hooper H. Kersey  
A. More W. D. Richmond F. Simpson R. Swift L. Sawers H.  
Roscoe A. Tucker John Walker W. S. Walker W. F. Wells I.  
Wren S. Hensley And Segt. A. P. Rudd

Our rations at Point Lookout was 5 crackers and a cup of  
coffee for Breakfast. And for dinner a small ration of meat 2

crackers three Potatoes and a cup of Soup. Supper we have non. We pay a dollar for 8 crackers or a chew of tobacco for a cracker.

A Yankey shot one of our men the other day wounded him in the head shot him for peepen threw the cracks of the planken

The last day of November was very coal indeed and the Yanks had inspection of ous Rebels. One of the Yankee Senterls shot one of our men the other morning he was shot in the head: soon died.

All the wood we get to burn at Point Lookout is one sholder tirn of pine brush every other day for a tent 16 men to every tent

The 16th of Dec. 63 a Yankey Captain shot his Pistel among our men and wounded 5 of them; sence one has died—he shot them for crowding arond the gate. The captain's name that shot was Sids. Him and Captain Patison and Segt. Finegan was the 3 boss men of the prisoners camp.

The 24th of Dec. 63 was a clear day but very cool. And Generl Butler the Yankey beast reviewed the prisners camp:

The 25th was Christmas day and it was clear and cool and I was boath coal and hungry all day onley got a peace of Bread and a cup of coffee for Breakfast and a small Slice of Meat and a cup of Soup and five Crackers for Dinner and Supper I had non:

The 26th was clear and cool and dull for Christmas

The 28th was cloudy and rained a littel The 28th was a raney day.

The 29th was cloudy in the morning and clear in the eavning. And Jeferson Walker died in the morning he belonged to the 57th N. C. Regt. The 30th was a beautyfull day.

The 31st which was the last day of 63 was a raney day. And maby I will never live to see the last day of 64. And thairfour I will try and do better than I have. For what is a man profited if he shal gain the whole world and loose his one Soul: Or what Shal one give in exchange for his Soul:

B. Y. MALONE.

B. Y. MALONE'S BOOK  
FOR THE YEAR 1864

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I spent the first day of January 64 at Point Lookout M. D. The morning was plesant but toward eavning the air changed and the nite was very coal. was so coal that five of our men froze to death befor morning. We all suffered a great deal with coal and hunger too of our men was so hungry to day that they caught a Rat and coocked him and eat it. Thir names was Sergt. N. W. Hester & I. C. Covington.

The 6th was coal and cloudy and we had 9 men to die at the Hospital to day. Our beds at this plaice is composed of Sea feathers that is we geather the small stones from the Bay and lye on them

The 7th was very cool a small Snow fell after nite

The 10 was a nice day and I saw the man to day that makes Coffens at this plaice for the Rebels and he sais that 12 men dies here every day that is averidgs 12

The Commander at this point is named Marsto

The 22th day of January 64 was a very pritty day And it was my birth day which maid me 25 years of age I spent the day at Point Lookout. M. D. And I feasted on Crackers and Coffee The two last weeks of January was beautyfull weather

The Month of February. 64 The first day of February was warm but cloudy and Sum rain:

Be content with such things as you have: For he hath said I will never leave the nor forsake thee So we may boldly say the Lord is my helper and I will not fear what man shall do unto me

There fell a Small Snow the morning of the third Sergt. A. P. Rudd & Gidney King arrived at Point Lookout from Washington the 4th. We changed Cook houses on the 7th of Feb.

The 14th of Feb was a pritty day And the Yankees Sirched the Prison Camp the Rebels was all sent out side under gard.

And then they sirched and taken evry mans Blanket that had more then one. And taken evry other little trick that the Rebels had. They found too Boats that the Rebs had maid.

375 Officers arived at Point Lookout from Jonstan Isle the 14th of Feb. The Yankey papers say that they are having a Gun maid that weighs 115,000 lbs. 21 ft. long carries a Ball that weighs 1000 Lbs and a shell that weighs 700 lbs.

The 17th it was so coal that we all had to lye down and rap up in our Blankets to keep from freazing for we had no wood to make us a fire.

The 18th it was so coal that a mans breath would freaze on his beard going from the Tent to the Cookhouse. O, it was so coal the 18th

The 20th was pleasant and General Butler the Beast re-viewed the Prison Camp again for the Second time

The 24th was a beautyfull day And too of the Rebs got kild the nite of the 24th attempting to get away: We was garded at Point Lookout by the second fifth and twelfth New-hampshire Regiments untell the 25th of Feb: And then the 26th N. C. Negro Regiment was plaised gard over ous

A Yankey preacher preached to the Rebels the 26th day of Feb: 1864: His text was in first Corinthian 16 chap and 22th virse The words was this: If any man love not the Lord Jesus Christ let him be Anathema Maren athas That is let him be acursed when the Lord shal come

#### The Month of March

The first day of March was coal and raney: And our Company was examined on the Oath question evry man was taken in the House one at a time and examioned: the questions asked me was this: Do you wish to take the Oath and join the U. S. Armey or Navey: or work at govenment work or on Brestworks or Do you wish to take a Parole and go to your home if it be insied of our lines or do you wish to go South I told him I wished to go South: He then asked me my name County State Company & Regiment The 2d two thousen Rebels left Point Lookout M. D. for Dixie:

The 3d I met with The good luck of geting sum Cloathing from Dixie: 600 Rebels left for Dixie again the 9th.

Another boat load of Rebels left Point Lookout the 16th for Dixie.

250 Officers arived at Point Lookout the 20th

One of our Rebel officers maid me a present of a dollar in greenback (the 21st) he stuch it threw the crack of the planken to me without being asked

The 20h of March a Yankey Sergt: named Young shot one of our Officers for jawing him:

The 22d was very coal and stormey and a while befour nite it comenced snowing and snowed all nite: the snow would avridge 3 inches deep the next morning:

The 25th I went to the cookhouse for a cook:

#### The Month of April

The first day of April was a very nice day.

The 5th was a very bad day it raind hard snowed and the wind blew the Bay was so high that it overflowed part of the Camp. Some men had to leave thir tents and moove up to the Cook house: There was some men in camp who had been going about of nits and cuting tents and sliping mens Knapsacks Hats Boots and Sumetimes, would get Some money They cut into ours and got money and cloathen all amounting to about one hundred dollars: One nite the Negros was on gard and caught them they was then plaised under gard and made ware a Barrel Shirt (and marched) up and down the Streets with large letters on them the letters was this *Tent Cutters*

The 12th the 3d Maryland Negro Regiment was plaisd on gard around the Prison Camp: When the Negrows first come on gard they wore thir knapsacks and when they was put on poast they puled them off and laid them down at the end of thir lines And Some of our men stole too of them: And when the Negro found it was gone he sais to the next one on post Efrum- Efrum: tell that other Negrow up dar that the white folks has stold my knapsack a redy: The other one sais they have stold mine too but I want caring for the knapsack all I

hate about it is loosing Sophys Garotipe (daguerreotype!) One day too of them was on poast in the Streets and met up at the end of thir lines and comenced fooling with thir Guns what they cauld plaing bayonets they had thir guns cocked preseantly one of thir guns went of and shot the other one threw the brest he fell dead: the other one sais: Jim, Jim get up from dar you are not hurt your just trying to fool me:

The nite of the 18th a negrow Senternel shot one of our men wounded him very bad threw the sholdier

The nite of the 21st a Negro shot in a tent wounded two of our men

The 27th a load of Sick Rebels left Point Lookout M. D. for Dixie.

The 29th a nother Neagro kild him Self. Shot him Self in the mouth with his gun:

#### The Month of May 64

The 3d day of May 6 hundred Rebels left this plaice for Dixie

The 13th about one hundred prisnors was brought to this plaice they was capturd clost to Petersburg Va.

The 15th 40 prisnors arived at this point captured between Richmond and Petersburg by Gen. Butlers armey

The 17th about one thousin Prisnors arived at this plaice was captured at the wilderness The 17th about 1000 was brought in from General Leas armey

The 18th four hundred more was brought in the camp

The 24th a Neagro Senternal Shot a mung our men kild one and wounded three it is thought that one of the wounded will die:

The 28 four hundred more prisnors arived here We have Pork and Been Soop to day for dinner Will have beef and Coffee to morrow I believe I will go down in Camp, but the sun is very hot

#### The Month of June 1864

The first day of June was clear and hot

The 4th We had Beef and Potato Soop for dinner the Yanks are not a going to give us no more Coffee and Sugar from this on

The 8th 6 hundred Prisnors arived at this point from General Leas Armey

The 10th we have Old Bacon to day for dinner for the first time sience we have bin at P.t. Lookout

The 11th 500 more prisnors arived here.

The 18th of June which was three years from the time I voluntierd was cloudy and cool. And we had Pork and Hominy for dinner There is some talk of moving the Prisnors from this point it is getting to be very sickley here 11 men died at the Hospital yestiday it is said that the water is not healthy

It is reported that General Grant and General Lea are fiting on the South of the James River

From the 20th of June untell the last was very dry and dusty And we would hear good news evry now and then from our Armey Our Rations Still remain Small

July the 1st 1864

The first day of July 1861 I left home And the first day of July 1862 I was in the fight of Malvin Hill And the first day of July 1863 I was in the fight at Gettersburg And today whitch is the first day of July 1864 I am at Point Lookout M. d. It is very plesant to day We had pical Pork for breakfast this morning and for dinner we will have Been Soop

The 4th day of July was a beautyfull day And the Yanks had thir Vesels riged off with flags they had about 34 flags on each Gun Boat about 12 O'clock they fierd Saluts boath from thir land Batry and Gun Boats.

The 13th day of July 13 of our men died at the Hospital And it was repoted that General Ewel was a fiting at Washington And that our Cavalry was in 4 miles of this plaiice the Yanks was hurried up sent in all Detailes at 2 O'clock in the eavning and run thir Artilry out in frunt of the Block house and plaised it in position The 14th 500 Rebels taken the Oath and went outside

The last day of July was the Sabath

No man is bornd without folts  
 Too much of one thing is good for nothin  
 Cut your Coat accorden to your cloth  
 All are not Sants who go to Church  
 All are not theavs that dogs bark at  
 Keep your mouth shut and your eyes open  
 A clean glove often hids a dirty hand  
 Seay what is well and do what is better  
 He that will steal a pin will steal a better thing  
 Fear no man and do justice to all men  
 Evry Cook praises his own stew  
 Before thou marry be sure of a house wherein to tarry  
 Evry bodys business is no body's business  
 Do what you ought come what may  
 Love cover meney folts.  
 The race is not always to the swift nor the battel to the strong  
 You cannot catch old birds with chaff.  
 A bad workman quarrels with his tools

B. Y. MALONE

B. Y. Malone Owes	cts
Q. T. Anderson	Paid
A. P. Rudd	Paid
T. Y. Compton	Paid
Sergt W. T. Johnson	
Sergt. Laffoan	
Samuel Mothers head	
George Anthony	

#### A Puzzel

There is a thing in divers of countrys  
 It neither is land nor Sea  
 It in all sorts of timber  
 And not in eny tree  
 It is neither in Italy  
 But in Rome  
 It appears twist in evry moment  
 And not once in twenty years

## Dew B. Y. Malone

Thomas Murray	\$1.00
John Forast	\$1.00
W. A. Hughs	\$1.00
E. W. Rudd	\$1.00
N. W. Hester Paid	\$5.00
W. R. Richmond Paid	\$5.00
T. Y. Compton Paid	\$5.00
W. F. Wells Paid	\$5.00
A. I. Brincfield Paid	\$5.00
L. Kersey Paid	\$5.00
 B. Y. Malone Owes	
Q. T. Anderson Paid	\$6.50
A. P. Rudd Paid	\$5.00

Bartlett Y. Malone, Soldier of Co. H. 6th N. C. Regiment.  
 This April the 16th 64  
 Point Lookout, M. D.

O, that mine eyes might closed be  
 To what becomes me not to see  
 That deafness might possess mine ear  
 To what concerns me not to hear.

Mr. Demill & Co.,  
 No. 186 Front Street  
 New York City,  
 N. Y.  
 B. Y. Malones Chirography.

## The Month of August 1864

The first day of August was clear and very hot And 700 Rebels left here for Some other new Prison to day A mung them was my Brother A. A.

The 2d day of August I wrote home  
 The 6th of the month there rose a thunder cloud early in the

morning and raind very hard: there was a whirlwind just out sid of the Prison on the point it blew the Comasary house and Shop down and seven other Buildings it distroyed a good deal wounded four senternels broak ones leg There was but littel wind inside of the Prison

The knight of the 7th A Neagro Senternel Shot one of our men and kild him for no cause attall

The 28th of August a Senternel shot a nother one of our men wounded him very badly it is thought that he will die

The two last days of August cool and plesant

#### The Month of September

The firs days of September was plesant the Knights was cool but the days was plesant

The 2d day this is And our Rations gets no better we get half a loaf of Bread a day a smal slice of Pork or Beef or Sault Beef for Breakfast for Dinner a cup of Been Soup and Supper we get non Mr. A. Morgan of South Carolina has a vacon Cook House which he has bin teaching School in evry Sience last Spring he is a Christian man he preaches evry Sunday and has prayers evry morning befour School we have a Preacher to evry Division in the Camp Mr. Carrol preaches to our Divi which is the 8th This is the 5th day of the month and we are going to have Been Soup with onions in it to day for dinner we will have Potatoes and Onions boath to morrow the Dr had them sent in here for rebs to se if they would not stop Scirvy My health is very good to day which is the 6th of Sept. 64. But I cannot tell how long it will remain so. for it a raning and very coal to day Aand I have not got eney Shoes

This is the 7th and a pritty day it is and I am laying flat on my back on T. Y. Comptons Bead in Co. G 8th Division Point Lookout M. D.

The 8th was a beautyfull day And I had my Bunk Seting out by the Side of the Cook house and about dark I wanted to bring it in as I had bin doing but the Neagro Sentinel would not let me cross his line So I went down threw the house and asked a nother one if I could cross his line and get my Bunk and he

Said yes so I cross and got my Bunk and the first Neagro did not see me. And when he found that the Bunk was gone he come to the house door and wanted to know where that man was that taken that Bunk. And if he dident bring it back that he would come in there and Shoot him. So then I had to go to the dor and he told me to bring that Bead back. So I taken it back and could not get it any more untell I went and got the Lieut. of the Comiserry to get it for me. So you See this is the way we was treated by the Neagrows. B. Y. M.

The 15th of Sept was a beautyfull day. And a general Stir among the Rebs the Dr. was getting up a load of Convalesant men to Send to Dixie. You could See men going to the Hospital to be examiond Some on Cruches and Some was not able to walk and would be Swinging a round others necks draging a long

They got a load of five hundred and Sent them out of the Prison we Surpose they will leave the 15th for Dixie. The 19th received a Box of tobacco from my Father James B. Malone who resides in Caswell County North Carolina. The 21st all Prisnors belonging to the Confederate Staits Navy was Parold at this place.

This Sunday the 25th of September and it is very coal I wrote home to day

The 26th 800 Prisnors arived at this point belonging to Erleys (Early) Comand captured clost to Winchester. The knight of 26th Some one stold 5.45 in greenback from me

The 27th 500 more Prisnors arived here from the same Comand

The 28th the Yanks brought in three Negrows that they caught helping a Lady across the Potomac. Some where between here and Washington they brought them here and put them in Prison because they would not take the oath

The 30th I wrote to Bro. James

October 1864

The first day of October was cold and raney day. The 3d 800 Prisnors arived here from Early's command captured at Fishers Hill Va. among them was James M Wells of Co H 6th N. C. Regt

The 4th 100 more Prisnors com in Ther is about 10,000 Prisnors here at this time last Summer ther was 15,000 here but Some was sent to Elmira N. Y.

The 7th was fasting and prayer day with ous for the relieve of all Prisnors

Today is the 8th and is very cold

The 13th was very cool And in the eavning 200 Rebs taken the Oath

The 15th I Sold the last of my Tobacco the Box brought me fifty five dollars and 70 cts

To day is the 16th And a beautyfull Sabath it is: the Boys in camp are all in a line wating to be inspected by Major A. G. Brady Provost Marshall

To day is the 18th and Secretary Stanton has just past threw the Camp.

The 21st 200 Rebels arived here from the Valey captured Severl days ago.

The 24th they parold Severl Sick men Said to be 2000 to leave in a few days.

The 25th Some more prisnors come in from the Valey Said that 900 was capturd when they was

The 29th About 80 Rebs arived here they was capturd clost Petersburg Old Butler kept them at work on a Pond 8 days under the fire of our guns.

The 31st 600 more Rebs arived here capturd clost to Petersburg

November 1864

The first of November was pritty weather.

The 7th whitch was just twelve months from the time I was captured was a raney day.

The 8th was election day for president Abraham Lincoln & George B. McClellan was candidates

The 9th was warm and cloudy and our Rations ar not a good as they was a year ago: And I See no chance for marching Soon.

B. Y. MALONE.

The 18th of Nov. was a cold raney day Our men are not dying here like they have bin they onley avridge about too a day now The last of Nov. was pritty warm weather

December 1864

The first day of Dec was warm as Spring And the Yanks commenced building some littel plank houses covered with clouth for the Rebs to stay in

The 3d I paid 10 cets to go into a Concert that the Rebs had got up in camp it was a very good thing they performed in a bacon Cook-house.

The 4th which was the Sabath I went to meating at the School house Mr. Morgan lectured on the Parable of the Sower & in the eavning I was at the Same plaise and Mr. Carol preached a good Surmond from the later clause of the 2 virse 7 chapter of Amos: Theas was the words: By whom Shall Jacob arise: for he is small. After preaching was over the Sunday School classes met and thir teachers taken up the balance of the day in asking them questions and explaning the Scriptures to them We have white gard now for patroles in camp of knights the Neagros got so mean that the General would not alow them in Side of the Prison they got so when they would catch any of the men out Side of thir tents after taps they would make them doubble quick or jump on thir backs and ride them and some times they would make them get down on this knees and prey to God that they might have thir freadom and that his Soul might be sent to hell

To day is the 15th and it is cold looks very mutch like Snow we have had very coald weather for the last week we get Split Peas now to make Soups. Some day we get Bacon and some days Picle Pork and fresh Beef once a week

My health is very good at this time I weigh 155 lbs We have comenced drawing wood we get two smawl shoulder turns a day to a Company Each Company has 100 men

The 21st was a very cold raney day Brigadeer General Barnes in comand of the Point A. G. Brady is Provost Marchall Capt Barnes assistant Prov.

The 24th was a beautyfull day I chopt wood in the morning at the cookhouse in the eavning I bought 3 apples and set in the Sun Shine by the Side of Sergt. A. P. Rudd tent & eat them. And then my Self Q. T. Anderson W. W. Murrie & W. F. Wells went up to the School house to a Debate but did not get in And then we went back to the Tent and found T. Y. Compton with a newspaper that he had bought and we spent the remainder of the day in reading it.

The 25th was Christmas day And a beautyfull one it was. But I had nothing Strong to drink and but little to eat I had Some loaf Bread fryed Meat & Corn Coffee for breakfast and for dinner I had a cup of Split Pea Soup.

In the eavning I went to the School house to meating Mr. Carrol preached his text was in Zachariah 15th chapt 7 virse After preaching I went to the Comisery and found that Mr. Walas had bet Mr. Barby five dollars that there was a man in Camp that could eat 5 lbs of Bacon and 3 Loafs of Bread each loaf weighing 2 lbs at one meal. When I left he had onley about  $\frac{1}{4}$  of a pound of Bacon and a half of a loaf of bread they Said he eat it all befor he quit. This man belonged to the 11th Ala: Regiment

The 26th was a raney day

The 27 & 28 was cloudy

The 29th was cold and cloudy & Snowed a little in the Eavning

The 30th was cold

The 31st was very cold and Snowed a littel evry now & then threw the day.

BARTLETT Y. MALONE'S BOOK  
FOR THE YEAR 1865

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The Month of January

The first day of January was very cold & the grown was coverd with Snow:

The 2d was cold and cloudy

The 3d it snowed a littel in the eavning

The 4th was very cold and the Snow was 3 inches deep

The 5th was warm and cloudy

The 6th my Self A. R. Moore James R. Aldridg Nathaniel Hooper & T. Y. Compton built us a hous out of cracker Boxes the house coust us \$8.80 ets we bought a stove from the Sutlar the Stove coust us \$8.00 the Stove and house totel \$16.80.

The 15th was a beautyful Sabath & I went to meating & Mr. Newman preached from Psalms 8 ch. 4th Virse

The 17th it Snowed in the morning And about one thousen old men & littel Boys left for *Dixie*.

The 21st it rained and Sleated all day & a large Dixie mail came in one hudred & Sixty dollars worth of Due Letters:

The 22d was cold and cloudy & it was my birthday whitch made me 26 years old. And about 600 prysnors come in to day captured at Foat Fisher The men that came in Say that General Whiten & Colonel Lamb was captured and also wounded After knight a Neagrow Sentnal Shot one of our men and kild him.

The 23d a large Dixie mail come in I got 2 letters from home & one from Bro. Jim.

The 28th was clear but the coldest day we have had this winter there was a man froze to death in the 5th Division after knight.

The 29th was the Sabath I went to meating with Mr. Athy preached

The 30th & 31st was pritty warm days.

## February 1865

The first of Feb. was warm And 500 Rebels come in captured clost Atlanta Ga.

The 4th all men belonging to Kentucky Missouri Louisina Tennasee & Arkansas was cauld to go to *Dixie*.

They Still cauld on the 5 & 6th.

The 17th all prisnors captured at Gettersburg was cauld out.

The 18th the Gettersburg Prisnors left for *Dixie*.

The 21st all Prisnor capturd at Rappahanoc Station was cauld we all went out and Signed the Parole and was put in the Parole Camp and staid there most all the 24th then we was put on the Steamer George Leary we got to Fortress Monroe about dark And then run as far as Hampton Roads and there we staid all night Started next morning at light which was the 25 got to Acorns Landing about 10 Oclock which was about 12 miles from Richmond on the James River we then marched from there to Camp Lea we got to Camp Lea about dark We then Staid at Camp Lea untell the 27 when we wen over to Camp Winder.

## March 1865

The 2 day of March I got my Furlough the 3 they paid me 12 months wages which was 237.00.

Went down to Richmond got on the cars about 6 O'clock in the Eavning

The 4th I got to Barksdale Depot about 10 in the morning, got off at Barksdale marched to the Road house by dark Eat Supper with Mr. Hanrick marched on 2 miles further and Staid all night with Mr. Moss. Left early next morning which was the 5th eat Breakfast at Mr. Maxtons got home about 1 O'clock in the Eavning.

B. Y. MALONE.

B. Y. Malone was borned in the year of our Lord 1838 rased and graduated in the Corn field & Tobacco And inlisted in the war June the 18th 1861 And was a member of the Caswell Boys which was comanded by Capt Mitchel And 25 was attatched to the 6th N. C. Regt. which was comd by Coln Fisher who got kiled at the first Manassas fight which was fought July the 21st

1861. They was comanded by W. D. Pender untell the Seven Pine fight which was fought the 30th day of May 62 Col. Pender then was promoted to Brigadier General Then Capt. I. E. Avry of Co. E. was promoted to Lieut Colonel who comanded untell the Battel of Gettysburg where he was kild which fought the 2d day of July 1863.

Major R. F. Webb was then promoted to Col. who comanded untell we was done at the Rapahanock Bridg the 7th of Nov. 1863. Our Regt when was captured belonged to General Hooks Brigard Earlys Division Ewels Corps Leas Armey.

B. Y. MALONE.



**THE PROVINCIAL AGENTS OF  
NORTH CAROLINA**

**BY  
SAMUEL JAMES ERVIN, JR.**



## THE PROVINCIAL AGENTS OF NORTH CAROLINA

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A great obstacle to a successful and peaceful government in North Carolina prior to the year 1748 was the lack of a medium in England through which the representatives of the people in the General Assembly could make known to the Crown and to the home authorities the needs, circumstances and desires of their constituents. This hindrance could be removed only by the appointment of an agent to represent and transact the business of the province at the various government boards in England. Colonel Saunders sums up the duties and responsibilities of such an agent admirably when he remarks:

To appreciate the importance of the agent's position it must be remembered that the Crown had the right to pass upon all the acts of the Legislature, and to repeal or "disallow" such as might for any reason seem inexpedient. The proceedings in the case were, in brief, as follows, viz: The act was, in the first instance, sent by the Governor to the Secretary of State for America, by whom it was laid before the Lords of the Board of Trade and by them referred to the Reporting Counsel to the Board, to consider and report whether or not the King ought to be advised to assent to it. In practice, the fate of the act depended very much upon the report of the Counsel, who, in turn, was very much guided by the impressions he received as to the circumstances under which the Provincial Assembly passed the act, the evils it was intended to remedy, and the manner in which it was intended to operate. All these things the agent, from his knowledge of affairs in the Province, would be able to explain to the Counsel, and in many ways not merely prevent unfavorable misapprehensions on the part of the Counsel, but to lead his opinion to a report favorable to the wishes of the Province. With the report of their Counsel, the act came back to the Board of Trade where it was considered, after notifying the agent to attend in all matters of consequence. With the report of the Board of Trade the act then went to the Lords of the Privy Council, upon whose final report its fate depended. These great officers also sought their information in the premises not from private individuals, but from these Provincial Agents, and without some person being

in England in that capacity in behalf of a Province, its affairs "slept." Memorials, addresses, petitions and such like papers passed through his hands. Every opening for the encouragement of the trade of the Province, it was his business to improve it, and equally so to endeavor to obviate any scheme that might hurt it, and hence it was his duty to keep posted as to the intentions of Government and of Parliament, all of which involved much labor of various kinds and great responsibility. In a word, the agent was to the colony what the ambassador was to a foreign country. Now, from the very nature of the duties of the agent, it is apparent that he was intended to be the representative not of the Governor, but of the opposition, so that the authorities "at home" in England might get both sides of the questions presented to them. Otherwise, the representations made by the Governor would have decided matters.<sup>1</sup>

The first proposal that an agent should be appointed to represent North Carolina in England was made by Governor Burrington in a speech to the Assembly in April, 1731. He declared that it was "absolutely necessary" to select an agent and arrange a regular salary for carrying on the public affairs of the province in England.<sup>2</sup> Shortly afterwards he repeated his recommendation.<sup>3</sup> Burrington's efforts, however, came to naught and seventeen years elapsed before the step was finally taken.

In October, 1748, the General Assembly passed a law called "An Act to appoint an Agent to solicit the Affairs of this Province at the several Boards in England." James Abercromby, of London, was chosen agent for a term of two years—from March 25, 1749, to March 25, 1751. He had already acted in this capacity, for the act provides that "the said James Abercromby, Esq., in consideration of his trouble, charges and expenses, in transacting the public business of this Province, as agent, *to this time*, and until the twenty-fifth day of March, next ensuing, be and is hereby allowed the sum of one hundred pounds, sterling." This, however, was the first time that an agent was officially appointed to act during a fixed term. Abercromby was granted a salary of 50£, sterling, annually. A committee, whose duty it was to correspond with and direct and advise the agent, was also chosen.

<sup>1</sup> Col. Rec., VI, vii-ix.

<sup>2</sup> Col. Rec., III, 258.

<sup>3</sup> Col. Rec., III, 280.

The committee of correspondence, as it was called, was composed of Robert Halton and Eleazer Allen, of the Council, and Samuel Swann, John Starkey and John Swann, of the House of Commons. Whenever so ordered the committee should lay before the Governor, Council and Assembly the correspondence which had passed between it and the agent.<sup>4</sup> The mere fact that such able and influential men served on the committee of correspondence proves the great importance and responsibility of the office of agent.

It having been "found very beneficial to the Province that a proper person should, by public authority, solicit and represent the affairs" of the colony in England, and Abercromby's term of office having expired, the Assembly of 1751 re-enacted the agency law of 1848 for a period of three years. Abercromby was retained as agent and James Hasell and John Dawson, of the Council, were selected to fill the vacancies in the committee of correspondence occasioned by the deaths of Halton and Allen. The yearly salary of 50£ had been found inadequate and was increased to 100£. The sum of 111£ 9s. and 2d. was allowed Abercromby as compensation for extraordinary expenses incurred during his first term.<sup>5</sup>

In 1754 the agency act was extended again for a period of three years.<sup>6</sup> Upon the termination of Abercromby's third term in 1757, the lower house was disinclined to appropriate any money for public services, for taxes were already very burdensome. Consequently no agent was appointed.<sup>7</sup>

It would be monotonous to enumerate all of Abercromby's activities as agent. He performed several important services. When McCulloch, Morris, Corbin, Dobbs and others attacked Governor Johnston in 1749 and sought to compass his removal from the governorship, Abercromby successfully defended the Governor by cleverly delaying the proceedings before the Board of Trade.<sup>8</sup> He produced strong arguments favorable to an im-

<sup>4</sup> State Rec., XXIII, 303-304.

<sup>5</sup> State Rec., XXXIV, 362-363.

<sup>6</sup> State Rec., XXXIV, 399; State Rec., XXV, 266.

<sup>7</sup> Col. Rec., V, 788-789, 928, 988.

<sup>8</sup> Col. Rec., IV, 934-939, 942; Ashe, Hist. of N. C., 272.

portant quit rent law passed by the Assembly, which Lamb, the Reporting Counsel to the Board of Trade, had disapproved. Altogether, he discharged the functions of his office in a most acceptable and efficient manner. In a letter to the Board of Trade, dated April 13, 1758, he informed the board that he was no longer agent for the colony and advised it to instruct the Governor to recommend to the Assembly the passage of an act to call in as much of the old paper currency as possible, to be paid off by the share of North Carolina in the grants which Parliament had made to reimburse the colonies for their appropriations and aid in the war then being carried on against France and her Indian allies.<sup>10</sup> The suggestion contained much wisdom, because the provincial currency was greatly depreciated in value.

The Parliamentary grants were two in number. The first was an appropriation of 200,000£, which was allotted to all of the colonies for distribution. The second amounted to 50,000£, which was to be distributed among the two Carolinas and Virginia. In November, 1758, the Assembly convened and entered into a heated dispute with Governor Dobbs concerning the right to dispose of the share of the colony in the Crown's bounties. The house also contended that it had the right to name an agent and the committee of correspondence. The Assembly and the Governor were in utter disagreement.<sup>11</sup>

A bill was introduced at this session for the location of the seat of government at Tower Hill, near Stringer's Ferry, on the Neuse—a site which Dobbs had chosen—and for the erection of a state house, a secretary's office and a residence for the Governor should he decide to reside there. Another bill which was introduced provided for the enlistment of three hundred soldiers to serve against the French, the bringing over in specie of the colony's share of the royal grants and putting the same into the custody of the provincial treasurers, and for the appointment of an agent. A committee of correspondence, composed entirely of

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<sup>10</sup> Col. Rec., V, 448-456.

<sup>11</sup> Col. Rec., V, 928-929.

<sup>11</sup> Col. Rec., VI, 1-3; Ashe, Hist. of N. C., 294.

members from the lower house, was named in the bill and Abercromby was to be the agent.<sup>12</sup>

The Governor regarded the first bill as a scheme to persuade him to give his assent to the second, and said that the lower house would even have paid his house rent and the expenses which he incurred in attending the Congress at Philadelphia in order to obtain his approval of it. Dobbs also charged several of the leaders of the house and the two treasurers with having arranged a plan whereby they would get "our proportion of the sum which his Majesty had graciously recommended to Parliament to reimburse the southern colonies, which they expected would be at least 15,000£, into their custody under the direction of the Assembly, which they ruled, and so apply it as they thought proper, without his Majesty or the Governor or the Council's interfering in it." Dobbs objected to the bill on the ground that it was an encroachment upon the rights of the Governor and Council, and not in conformity to the powers of the Assembly. He thought it improper and illegal to tack on the aid bill the sections dealing with the appointment of an agent and with the royal grants. He desired, however, to have the bill locating the capitol at Tower Hill enacted. The members of the Assembly declared that the bill which Dobbs wished to pass should not pass unless the other bill went "hand and glove" with it.<sup>13</sup>

Being determined to defeat the one and to pass the other, Dobbs resorted to a very clever stratagem. He instructed his followers in the Council not to oppose the aid bill, except in some insignificant matters of amendment until it had passed the third reading in the house and had been sent to the upper house for ratification. When both bills had passed the third reading in the house, he made it clear to the members of the Council that he desired the aid bill defeated by saying that he "wanted their advice whether to pass a bill of an extraordinary nature which affected his Majesty's prerogative and the rights of the Governor and Council," and which was contrary to the instructions

<sup>12</sup> Col. Rec., V, 1087; Col. Rec., VI, 1-8.

<sup>13</sup> Col. Rec., VI, 1-8.

which he had received from the authorities in England. The strategy succeeded. The bill locating the capitol at Tower Hill was passed, but the Council, under Dobbs' influence, deferred action on the aid bill for several days, by which time the Governor was to prorogue the Assembly. Governor Dobbs described the result in this manner:

Upon this disappointment the lower house were all in a flame, the managers being greatly disappointed, and represented to me that there must be a dissolution unless the upper house would resume the bill, desiring I would speak to the Council to revoke their resolution and pass the bill.

The Governor, of course, declined to interfere. He agreed to join with the house in recommending that the money already due Abercromby for his services as agent be paid out of the Parliamentary grants.<sup>14</sup> Thereupon the lower house appointed James Abercromby its own agent for two years with an annual salary of 150£, to be paid out of the colony's portion of the 50,000£ bounty. Sam Swann, Thomas Barker, John Starkey, George Moore and John Ashe, all members of the house, were appointed committee of correspondence. The house adopted an address congratulating the Crown upon the victories won from the French and praying that a part of the sum allotted North Carolina should be used in establishing free schools in each county. Then Dobbs prorogued the Assembly.<sup>15</sup>

At its next sitting the council chose Samuel Smith, of London, Dobbs' private attorney, as agent.<sup>16</sup> The province now had two agents, neither of whom legally occupied the office. An agent appointed by one house only lacked authority and was unable to represent the colony as it ought to have been represented.

In the spring of 1759, urgent calls for troops were made upon Governor Dobbs, for the army in the North stood in dire need of re-enforcements. Dobbs called the Assembly to meet at Newbern on the 8th of May.<sup>17</sup> The house almost immediately passed

<sup>14</sup> Col. Rec., VI, 2-3; Ashe, Hist. of N. C., 295.

<sup>15</sup> Col. Rec., VI, 2-3, 9, 76; Ashe, Hist. of N. C., 295.

<sup>16</sup> Col. Rec., VI, 77.

<sup>17</sup> Ashe, Hist. of N. C., 295.

an aid bill similar to the one defeated by Dobbs at the preceding session. The forces of the province were to be increased to three hundred men, exclusive of officers. An aid of 6,000£ was to be granted for enlisting and maintaining this force, and Abercromby was to be appointed agent. He was to present documents to the English government showing the expense North Carolina had been at in affording assistance against the enemy. Upon being properly bonded, Abercromby was to receive from the English authorities the portion of the 50,000£ grant assigned to the province and transmit the same to the provincial treasurers after deducting the sum due him for previous services and so much as might be necessary to defray the cost of insurance and shipment to the treasurers of the colony. The committee of correspondence was to be composed entirely of members of the lower house.<sup>18</sup> The council wished to amend the bill by eliminating the sections which dealt with the appointment of an agent. The house refusing to agree to the amendment, the council declined to pass the bill and the session was adjourned without any measures having been passed.<sup>19</sup>

The Board of Trade disagreed with Dobbs in most of the positions which he took in the controversy with the house. Although it could not do otherwise than approve of his having defeated the bill, the Board informed Dobbs that the aid bill did not lessen the Crown's prerogative to the extent he feared. The Board affirmed the contentions of the lower house that the Assembly had the right to appropriate the funds granted the province by Parliament and that it had the inherent right to name the agent. Though it saw no reason for disapproving the bill in its abstract principles, the Board ruled that the appointment of an agent, being separate from the aid bill, ought to have been provided for in a separate act and that the committee of correspondence should have been composed of members of both houses.<sup>20</sup>

A new Assembly was called to meet in April, 1760. The chief purpose for calling this meeting was to have an aid bill passed

<sup>18</sup> Col. Rec., VI, 37-38, 102-103.

<sup>19</sup> Ashe, Hist. of N. C., 295.

<sup>20</sup> Col. Rec., VII, 54-55.

so that the province might afford assistance in the military campaigns then being planned. In his speech to the Assembly the governor recommended the election of an agent to receive and remit the share of the colony in the grants of the Crown.<sup>21</sup> Owing to the failure of the governor and the Assembly to agree upon a suitable law establishing courts, there had been no courts in the province for several months and much disorder had arisen in Edgecombe, Halifax and Granville Counties. Being anxious to pass a law establishing and regulating courts, the Assembly determined not to pass an aid bill until an act creating superior courts should be passed. Dobbs was equally resolved not to let the house have its way.<sup>22</sup>

The quarrel waxed warmer. On May 23, the house went into a committee of the whole and resolved that if any member should make known to any person the remarks of any member in any debate or proceeding in the house, he should be expelled from his seat as being unworthy of it. In this secret session, the Assembly adopted twenty resolutions setting forth the arbitrary conduct of the governor. An address to the Crown was drawn up complaining of abuses perpetrated by the governor, describing the unsatisfactory conditions prevalent in the province and declaring that Dobbs' influence over the council had prevented the colony from having an agent in England. The address asserted that the real cause for the council's rejection of the aid bill of the last session and of the governor's displeasure with it was that it did not name as agent Dobbs' private attorney, Mr. Smith.<sup>23</sup>

Being brought to reason by the drastic action of the Assembly, Dobbs promised to assent to a court law which should not be in force for more than two years unless ratified by the Crown provided the Assembly passed an aid bill. The court bill received the assent of the governor, but being dissatisfied with some of the provisions of the aid bill and deeming it no longer necessary, Dobbs refused to give his assent to it.<sup>24</sup> It seems that

<sup>21</sup> Col. Rec., VI, 347.

<sup>22</sup> Col. Rec., VI, 408-409; Ashe, Hist. of N. C., 287-298.

<sup>23</sup> Col. Rec., VI, 409-415.

<sup>24</sup> Ashe, Hist. of N. C., 298-299.

Robert Jones, a lawyer, was selected as agent in the defeated aid bill.<sup>25</sup>

At the same time the council refused to approve a bill naming Abercromby agent.<sup>26</sup> Thereupon the Assembly chose Anthony Bacon, a merchant of London.<sup>27</sup> The council declined to sanction this selection and asked that five of its members be put upon the committee of correspondence. It was also requested that all business to be transacted with the agent must be approved by three members of the committee from each house. Upon the refusal of the house to amend the bill as proposed, the council rejected it.<sup>28</sup>

The house appointed Bacon as its agent for a term of two years and resolved "that Samuel Swann, John Starkey, George Moore and John Ashe, or any three of them" constitute the committee of correspondence.<sup>29</sup>

Dobbs postponed the meeting of the Assembly until September. The beginning of hostilities between the Cherokees and the frontiersmen rendered it imperative to call the meeting in mid-summer. In this emergency measures were taken for the defense of the colony.<sup>30</sup> The council tabled a bill providing for the appointment of an agent.<sup>31</sup>

At the next session of the Assembly, which was held in November, 1760, the house addressed the governor saying:

We flatter ourselves, had we been so fortunate as to have had the concurrence of the other branches of the legislature in passing a law (more than once attempted) for appointing an agent in London, who might have produced proper documents of our expenses and represented our duty and zeal for his Majesty's service (considering our circumstances), in their true light to his Majesty's ministers, we should have been in expectation of partaking of his Majesty's royal grace and favour out of the first 200,000£ granted by Parliament to the colonies, and of

<sup>25</sup> Col. Rec., VI, 297.

<sup>26</sup> Col. Rec., VI, 423, 424.

<sup>27</sup> Col. Rec., VI, 429.

<sup>28</sup> Col. Rec., VI, 423-424.

<sup>29</sup> Col. Rec., VI, 436.

<sup>30</sup> Ashe, Hist. of N. C., 301.

<sup>31</sup> Col. Rec., VI, 444.

which Virginia has received 20,546£ as her proportion exclusive of 32,268£ and 19s. out of the 50,000£ grant; whereas the whole coming to this Province is not more than 7,789£ 1s. 1d. sterling; and even out of which, there is a demand of 1,000£, as your Excellency informs us, that was advanced by Lord Loudoun, and Mr. Shirley, to pay the forces at New York notwithstanding a sufficient fund raised by this Province; and therefore we cannot help being of opinion that the small part of his Majesty's royal bounty coming to this Colony is apparently owing to the want of an agent to represent our dutiful behaviour to his Majesty and his ministers.<sup>32</sup>

The fact that North Carolina did not have an agent in England was due to Dobbs' defeat of the various aid bills whereby an agent would have been appointed. North Carolina had expended about 66,000£ in assisting in waging the war. More than half of this amount had been spent for services outside the province and the colony had justly expected to receive a considerable amount of the royal grants. Dobbs' persistent refusal to concur in the appointment of an agent resulted in great financial loss to the colony.<sup>33</sup>

Following the address of the house to the governor, both houses passed an act which granted an aid for operations against the enemy and appointed Bacon agent to lay before the English authorities documents showing the expense the colony had incurred in the war.<sup>34</sup> This act was disapproved of by the governor. He adjourned the Assembly for two days that it might reconsider and expunge the "foreign" clauses and name an agent who would not be objectionable to him. This advice was accompanied by a threat to dissolve the Assembly.<sup>35</sup>

In a committee of the whole, the house resolved that the naming of an agent was its inherent right and that the appointment of an agent at that time, even if inserted in an aid bill, was not inconsistent with the services of the Crown. An address was presented to Dobbs in which these resolutions were reiter-

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<sup>32</sup> Col. Rec., VI, 477.  
<sup>33</sup> Col. Rec., VI, ix-x.  
<sup>34</sup> Col. Rec., VI, 463.  
<sup>35</sup> Col. Rec., VI, 515.

ated and in which the house stated that its members regretted that the governor's private resentment against whomever it named as agent should frustrate all efforts to unite with Virginia and South Carolina in an attack upon the Cherokees. The house refused to strike Bacon's name out of the bill.<sup>36</sup> The bill was re-introduced and passed the third reading in each house, but did not become law because Dobbs dissolved the Assembly before it was presented for his approval.<sup>37</sup> The dangers of an Indian invasion had ceased by this time.<sup>38</sup>

The new Assembly convened at Wilmington in March, 1761, and upbraided the governor for his defeat of the aid bill and for not calling the Assembly to meet at a more convenient place.<sup>39</sup> Both sides, however, were now willing to yield something in order to accomplish their respective ends.

A bill appropriating 20,000£, proclamation money, for the enlistment and support of five hundred soldiers and naming Cuchet Jouvencal, of Westminister, England, agent was passed. John Swann, Lewis deRossett, and Maurice Moore, of the council, and Samuel Swann, John Ashe, John Starkey, Cornelius Harnett and Francis Corbin, of the house, were appointed to constitute the committee of correspondence.<sup>40</sup> The house refrained from selecting Bacon merely to obtain the assent of the governor.<sup>41</sup> The council advised Dobbs to assent to the act and having done so, the governor dissolved the Assembly.<sup>42</sup>

Meanwhile the Board of Trade informed Dobbs that he had no right to interfere in the nomination of an agent by the Assembly and that although naming an agent in the aid bill which he had rejected at the last session was irregular, the necessity of the times rendered the irregularity too trivial a reason for rejecting a law which would have been beneficial to the Crown and to the province.<sup>43</sup>

Sir Matthew Lamb, Reporting Counsel to the Board, criticised

<sup>36</sup> Col. Rec., VI, 515-517.

<sup>37</sup> Col. Rec., VI, 518-519.

<sup>38</sup> Ashe, Hist. of N. C., 301.

<sup>39</sup> Ashe, Hist. of N. C., 302.

<sup>40</sup> State Rec., XXIII, 589-541.

<sup>41</sup> Col. Rec., VI, 692.

<sup>42</sup> Col. Rec., VI, 683-684, 694.

<sup>43</sup> Col. Rec., VI, 539.

the tacking on to the aid bill of the clauses nominating Jouvencal agent as being irregular.<sup>44</sup> Thereupon the Board instructed Dobbs to recommend the appointment of an agent in a separate bill when Jouvencal's term should expire.<sup>45</sup>

At the session early in 1764, John Starkey introduced a bill to continue the agency of Jouvencal for eighteen months, but the quarrel between the two houses concerning the membership of the correspondence committee caused the failure of the measure.<sup>46</sup> By their own authority the house appointed Jouvencal its agent and named as committee of correspondence John Ashe, John Starkey, Cornelius Harnett, Francis Corbin and Maurice Moore.<sup>47</sup>

Later in the year the Assembly made another effort to have an agent appointed with the concurrence of the governor and council. Thomas Barker, an eminent resident of the colony, was chosen by the house, but the council substituted another person in his place.<sup>48</sup> When the lower house reinserted the name of Thomas Barker in the bill, the council rejected it.<sup>49</sup> The Assembly took vengeance on the council by refusing to appropriate 1,000£ to pay Samuel Smith who had been named as agent of the province by the governor and the council in 1759. The house correctly decided that Smith had never been the agent of the province.<sup>50</sup>

The inability of the different branches of the government to agree upon the choice of an agent had already worked much woe to the affairs of the province before the governmental authorities of England. The council and the governor were in the wrong, for the Board of Trade had declared that the power of naming an agent was vested in the Assembly. It seems that the Board of Trade recognized the agents appointed solely by the house during the time of the quarrel.

In May, 1765, the house refused to submit to the council the

<sup>44</sup> Col. Rec., VI, 748.

<sup>45</sup> Col. Rec., VI, 702-703.

<sup>46</sup> Col. Rec., VI, 1134, 1136, 1137, 1214.

<sup>47</sup> Col. Rec., VI, 1214.

<sup>48</sup> Col. Rec., VI, 1287-1288.

<sup>49</sup> Col. Rec., VI, 1240.

<sup>50</sup> Col. Rec., VI, 1251-1252, 1313, 1816-1817.

letters and papers which it had received from Jouvencal since the last sitting of the legislature. Governor Tryon wrote the Board of Trade that the Assembly's agent ought not to be recognized by the Board unless the house would permit some members of the council to serve on the correspondence committee.<sup>51</sup>

The Assembly continued the agency of Jouvencal for one year.<sup>52</sup> The Board of Trade accepted Tryon's advice and no member of the council having been placed upon the committee of correspondence, refused to recognize the agent. No agent was appointed from this time until 1768.<sup>53</sup>

The gist of the quarrel was that the council denied the Assembly the right of naming the agent, while the house refused to allow the council a proper share in the committee of correspondence.

In 1767, Henry Eustace McCulloch, a member of the council then residing in England, offered his services as agent to the colony.<sup>54</sup>

An attempt to elect an agent early in the following year failed.<sup>55</sup>

Towards the end of the year, the house, by a resolve appointed McCulloch agent with John Harvey, Joseph Montfort, Samuel Johnston, Joseph Hewes and Edward Vail as the correspondence committee.<sup>56</sup>

Parliament having adopted the plan of taxing the colonies to help raise funds to pay the war debt, the Assembly drew up an address protesting against such taxation. In writing to McCulloch, the committee of correspondence characterized Parliamentary taxation as "totally unconstitutional and destructive of the natural right of mankind." McCulloch was instructed to assure the king, the ministry and Englishmen in general of the loyalty of North Carolina to the Crown, to present the address of the Assembly to the king, to cooperate with the agents of other

<sup>51</sup> Col. Rec., VI, 107.

<sup>52</sup> Col. Rec., VI, 60, 87.

<sup>53</sup> Ashe, Hist. of N. C., 312.

<sup>54</sup> Col. Rec., VII, 517-518.

<sup>55</sup> Col. Rec., VII, 641.

<sup>56</sup> Col. Rec., VII, 973.

colonies in obtaining the repeal of the act imposing internal taxes on America and to work for the repeal of the law of Parliament which forbade the colonies to issue paper money.<sup>57</sup> Samuel Johnston considered the address too submissive and with Joseph Hewes declined to serve on the committee of correspondence.<sup>58</sup>

The dissatisfaction among the people on the frontier of the province resulted in the formation of the Regulation movement. In October, 1769, in a petition to the legislature setting forth their grievances, the Regulators of Anson County asked that "Doctor Benjamin Franklin or some other known patriot" be appointed agent of the colony in England.<sup>59</sup>

McCulloch informed the Assembly that its address had reached its destination and that he would gladly carry out the instructions given him.<sup>60</sup>

Tryon was authorized to sanction the appointment of an agent elected by both houses to represent the affairs of the province before the authorities in England. The critical relations subsisting between the colonies and the mother country rendered it necessary that an agent should be appointed in such a manner as to give him unmistakable authority. Otherwise, the interests of the colony would be doomed to delay and disappointment.<sup>61</sup>

In the autumn of 1769, the two houses appointed H. E. McCulloch agent for a term of two years with an annual salary of 200£ sterling. Lewis Henry de Rossett, Alexander McCulloch and Robert Palmer, of the council, and John Harvey, Joseph Montfort, Edward Vail, John Campbell and Benjamin Harvey, of the house, were selected as the committee of correspondence.<sup>62</sup> Tryon approved the act.<sup>63</sup>

Late in 1771, McCulloch was re-appointed for an additional term of two years and the committee of correspondence was com-

<sup>57</sup> Col. Rec., VII, 877-879.

<sup>58</sup> Ashe, Hist. of N. C., 847-848.

<sup>59</sup> Col. Rec., VIII, 78.

<sup>60</sup> Col. Rec., VIII, 55-57.

<sup>61</sup> Col. Rec., VII, 868.

<sup>62</sup> State Rec., XXV, 518.

<sup>63</sup> Col. Rec., VIII, 151.

posed of members from both houses.<sup>64</sup> McCulloch was the last agent to represent the colony in the mother country. Being familiar with the situation in the province and in England, he was well qualified to render the colony much service. This he did.

As we have seen, the office of agent was of vast importance and responsibility. The constant bickering between the lower house and the governor and between the house and the council resulted in much loss and damage to the interests of the province in England.

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<sup>64</sup> State Rec., XXIII, 854.











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THE FREE NEGRO IN NORTH  
CAROLINA

SOME COLONIAL HISTORY OF CRAVEN  
COUNTY

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# THE FREE NEGRO IN NORTH CAROLINA

BY  
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# THE FREE NEGRO IN NORTH CAROLINA<sup>1</sup>

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## INTRODUCTION

The most pathetic figure in North Carolina prior to the Civil War was the free negro. Hedged about with social and legal restrictions, he ever remained an anomaly in the social and political life of the State.

The origin of this class of people may be attributed to many sources, the most common of which are (1) cohabitation of white women and negro men, (2) intermarriage of blacks and whites, (3) manumission, (4) military service in the Revolution, and (5) immigration from adjoining States. As early as 1723<sup>2</sup> many free negroes, mulattoes and persons of mixed blood had moved into the Province and had intermarried with the white inhabitants "in contempt of the acts and laws in those cases provided." In the year 1715 in order to discourage intermarriage between white women and negro men, a penalty of £50 was imposed upon the contracting parties, while clergymen and justices of peace were forbidden to celebrate such marriage under a like penalty.<sup>3</sup> However regrettable it may be, it is certain that there were a few disreputable white women who had illegitimate children by negro men, and such children inherited the legal status of the mother. The laws of 1715<sup>4</sup> take cognizance of this fact by imposing a penalty on any white woman "whether bond or free", who shall have a bastard child by any negro, mulatto or Indian.

Probably the most fruitful origin of the free negro class was manumission. While it is doubtful whether many slaves were set free prior to 1740, it is certain that the Quakers in their Yearly Meeting began to agitate the question of emanci-

<sup>1</sup>This paper was prepared as a thesis in partial fulfilment of the requirements for the degree of Master of Arts in the University of North Carolina.

<sup>2</sup>State Records, Vol. XXIII, pp. 106-107. Hereafter the Colonial Records and State Records will be referred to as "C. R.", and "S. R."

<sup>3</sup>Ibid., p. 65.

<sup>4</sup>Ibid.

pating slaves in that year,<sup>5</sup> and they never ceased to advocate emancipation both by precept and example.

The free negro class was slightly augmented by the addition of certain negroes who had served in the continental line of the State during the Revolutionary War, many of whom had been promised their freedom before they enlisted. It was easy in such cases to allege meritorious service as a ground for emancipation. To the before-mentioned causes for the existence of the free negro in North Carolina should be added one other; namely, immigration, particularly from Virginia. Despite the law to the contrary, many free negroes drifted across the State line from Virginia into North Carolina and quietly settled on the unproductive land adjacent thereto.<sup>6</sup>

In every instance except one (service in the Revolution) the free negro came into being against the will of the State either expressed or implied; but once given a place in the social order of the commonwealth, his tribe increased in spite of adverse laws and customs prescribed by the dominant race.

### MANUMISSION

It has been previously noted that manumission does not appear to have been a well-established practice before 1741; however the practice was not unknown to the early planters. In the laws of 1723<sup>7</sup> complaint was made that the law which required all free negroes to leave the State within six months after being set free had been disregarded by the negroes, who returned after a time. In order to discourage their return to the State, the law specifically stated that all such free negroes returned contrary to law should be arrested and sold into slavery for seven years,<sup>8</sup> and the sale repeated in case the negro returned a second time. One may readily infer from the very language of the act that it was "obeyed but not executed." That provision of the law which required all free negroes to leave the State within six months after being liberated does not occur in the laws of 1741

<sup>5</sup> Negro Year Book, 1913.

<sup>6</sup> *S. R.*, Vol. 24, p. 639.

<sup>7</sup> *Atlantic Monthly*, January, 1886.

<sup>8</sup> *S. R.*, Vol. 28, pp. 106-107.

—a fact that would seem to indicate that the law continued to be disregarded.

Prior to 1741 a master could renounce ownership of his slave without leave of court, and according to an opinion rendered by Justice Ruffin in the case of Sampson vs. Burgwin<sup>9</sup> he could probably do so until 1796; however such a renunciation on the part of a slave owner was equivalent to a forfeiture of the slave to the public, which in turn might seize him and sell him into slavery.

The law of 1741, which is the first comprehensive statute on the subject of emancipation, was probably enacted as a safeguard against promiscuous emancipation of slaves by the Quakers. By virtue of this law<sup>10</sup> no negro or mulatto slave could be set free on any pretense whatever, "except for meritorious services, to be adjudged and allowed of by the county court, and license therefrom first had and obtained."<sup>11</sup> For the first time since the element of meritorious service enters into the law as a determining factor in emancipation. By reason of the fact that the law of 1741 was flagrantly violated by certain Quakers in Perquimans and Pasquotank counties, it was reaffirmed by the General Assembly of 1777.

During the latter part of the year 1726 the Quakers, already restive under the restrictions of the law regarding the emancipation of slaves, took advantage of the uncertainty of the times to set free a number of slaves in the counties of Perquimans and Pasquotank.<sup>12</sup> These illegally-emancipated slaves were promptly seized and sold into slavery, whereupon the Quakers brought suit in the Superior Court of the Edenton District for the purpose of testing the legality of the seizure and sale of the negroes. The Superior Court held that the slaves had been unlawfully deprived of their liberties, and as a result of the decision of the Court many of the negroes, in question, were again set at liberty.<sup>13</sup> In order to silence any further contro-

<sup>9</sup> 20 N. C. 21.

<sup>10</sup> *Revisal of 1804*, ch. 24, p. 66.

<sup>11</sup> Weeks' *Southern Quakers and Slavery*, pp. 209-210.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Remarks on Slavery*, by John Parrish, p. 210 (Weeks Collection).

versy, the legislature of 1779 passed a law confirming the sale of illegally-liberated slaves.<sup>14</sup>

The Quakers were ever the unrelenting foes of slavery and they never lost an opportunity to impress upon the people of the State their conception of the iniquity of slave holding. They petitioned the legislature in 1790 to the end that the law of 1741 be repealed and an act passed "whereby the free citizens of this State, who are conscientiously scrupulous of holding slaves may legally emancipate them, etc."<sup>15</sup>

Due probably to the Santo Domingo revolt in 1791, a law was passed requiring any and all free persons of color who "shall come into this State by land or water or shall hereafter be emancipated" to give bond in the sum of £200, such bond to be held as surety for the good behavior of the sojourning negro.<sup>16</sup>

Emancipation came to be quite onerous in 1801, when the legislature passed a law<sup>17</sup> placing a further restriction on emancipators by requiring them to enter into bond "in the sum of £100 for each slave so liberated." Undoubtedly the law was disregarded in a great many instances. For example, we find in the case of Sampson vs. Burgwin<sup>18</sup> that a county court emancipated a slave notwithstanding the fact that meritorious service was not alleged. The Supreme Court held that an emancipation of that kind was valid because the county court had exclusive jurisdiction. Justice Ruffin observes in the case of Sampson vs. Burgwin that the non-enforcement of the law by the county courts probably resulted in a transference of their jurisdiction over the matter of emancipation to the Superior Courts in 1830.

The act of 1796 did not require a petition in writing in order to emancipate<sup>19</sup>; accordingly a free negro could not always show conclusively that he had been legally set free. The Supreme Court, however, consistently held the opinion that where the people had quietly permitted a negro to enjoy his or her freedom

<sup>14</sup> Weeks' *Southern Quakers and Slavery*, p. 210.

<sup>15</sup> *Ibid.*, p. 221.

<sup>16</sup> Martin's *Revisal*, ch. 16, p. 79.

<sup>17</sup> *Ibid.*, ch. 20, p. 179.

<sup>18</sup> 20 N. C., 21.

<sup>19</sup> *Stringer vs. Burcham*, 84 N. C., 48.

for a number of years "every presumption is to be made in favor of his or her actual emancipation."<sup>20</sup>

From 1801 to 1828, notwithstanding the constant fear of a negro insurrection, the active work of the American Colonization Society and the persistent efforts of the Quakers to secure more lenient emancipation laws, there was a period of comparative legislative inactivity with reference to the free negro. In fact, during this period there was considerable sentiment in the State favoring the liberation of slaves, thanks to the work of the Colonization Society and the North Carolina Manumission Society.

The North Carolina Manumission Society was organized by the Quakers of Guilford, Chatham and Randolph counties in 1816, and remained in existence for more than twenty years; however it did its most efficient work and had its largest membership between the years 1825-1830. Among other things, it investigated cases of kidnapping, helped to raise the necessary money for purchasing slaves, and used its influence to obtain more lenient emancipation laws.<sup>21</sup> The Manumission Society was very active in sending slaves to free territory to be set free. In 1826 two boat loads of negro slaves were sent to Africa<sup>22</sup> and in 1828 the Society sent 119 negroes to Haiti. So many negro slaves were sent to Illinois and Indiana by the Manumission Society that these States became alarmed and enacted very stringent laws against admitting free negroes.<sup>23</sup>

Another interesting feature of the benevolent work of the Quakers deserves special mention. On account of the rigidity of the emancipation laws, the Quakers devised a scheme by which "Certain parties were authorized to act as agents and receive certain consignments of slaves from masters who wished to be rid of them."<sup>24</sup> While these slaves were under the tutelage of the Quakers they were virtually, though not nominally free. They were held ostensibly for the purpose of being transported to

<sup>20</sup> *Stringer vs. Burcham*, 84 N. C., 43.

<sup>21</sup> *Trinity Historical Papers*, Vol. 10, p. 48.

<sup>22</sup> *Ibid.*, Vol. 10, p. 86.

<sup>23</sup> *Weeks' Southern Quakers and Slavery*, p. 282.

<sup>24</sup> *Trinity Historical Papers*, Vol. 10, p. 87.

free territory and there set free. In 1826 the Quakers were caring for 600 slaves.<sup>25</sup> From 1825 to 1830 the slave holders of North Carolina placed in the hands of Quakers hundreds of slaves on condition of their removal to Liberia.<sup>26</sup> Much of this work, however, was undertaken in conjunction with the American Colonization Society.

The Supreme Court held in the case of *Trustees vs. Dickinson*<sup>27</sup> that the trustees of "the Religious Society and Congregation, usually known by the name of Quakers", had a right to receive and hold property for its own benefit, but it could not hold property in trust for another. The Court held that nothing was wanting to make the condition under which Quakers held slaves complete emancipation except the name. This decision was rendered in 1827 and did much to interrupt the work of the Religious Society and Congregation of the Friends in their efforts to abolish slavery.

One would not be justified in assuming that the numerous negro insurrections in Virginia and South Carolina were primarily responsible for the legislative enactment concerning free negroes in 1830; nevertheless these outbreaks on the part of the negroes, no doubt, influenced the action of the legislature. It is more reasonable to suppose that the abolition movement which reached the State certainly by 1830<sup>28</sup> was a more direct cause. There is a popular conception abroad that the Southampton Rebellion in Virginia was largely responsible for the stringent anti-free negro legislation of the year 1830. Strangely enough, the negro uprising in Sampson and Duplin counties took place in 1831,<sup>29</sup> and the Southampton Rebellion occurred in the same year. The Southampton Rebellion marks a pronounced change in the policy of Virginia towards the free negro,<sup>30</sup> but so far as is ascertainable, only one law of any importance (that which forbade negroes to preach)<sup>31</sup> was enacted in North Carolina as a direct consequence of the Southampton Rebellion.

<sup>25</sup> *Atlantic Monthly*, January, 1886.

<sup>26</sup> 12 N. C., 190.

<sup>27</sup> *Johns Hopkins Studies*, Vol. 27, p. 189.

<sup>28</sup> *Atlantic Monthly*, January, 1886.

<sup>29</sup> *Tarborough Free Press*, Sept. 20, 1831.

<sup>30</sup> *Johns Hopkins Studies*, Vol. 81, p. 452.

<sup>31</sup> *Revisal of 1855*, ch. 107, p. 576.

As 1832 marks the turning point in Virginia's policy towards the free persons of color, just so the year 1830 marks the beginning of a pronounced change of policy in North Carolina. Sweeping aside all laws and clauses of laws to the contrary, the legislature of 1830 passed a law, which on account of its significance is, I quoted, verbatim:

"Any inhabitant of this State desirous of emancipating a slave shall file a petition in writing with the Superior Court, setting forth name, sex and age of said slave and praying permission to emancipate. The Court shall grant permission on the following conditions: Petitioner shall show that he gave public notice of his intended action six weeks prior in the State Gazette and at county courthouse. Petitioner shall enter into bond with two good securities payable to State of North Carolina in the sum of \$1,000 for each slave."<sup>32</sup>

The bond, of course, was required for the good conduct of the slaves as long as they remained in the State, and to insure their departure from the State within ninety days after emancipation became effective, never to return.<sup>33</sup> On the same terms any person could emancipate his or her slaves by will.<sup>34</sup>

It is further provided (Sec. 4) that any one could lawfully emancipate any slave over fifty years of age upon petition filed and order of the Superior Court, by satisfying the Court that said slave had performed meritorious services and giving bond in the sum of \$500. In all cases if an emancipated slave returned to the State he could be arrested and sold, or if he failed to leave the State the same fate awaited him. Action could also be brought against the bond of the emancipator and the recovery applied to the support of the poor.<sup>35</sup> The claims of creditors had to be satisfied before emancipation was complete, since no emancipation could work to invalidate such claims. This law remained in force until the actual emancipation of all slaves in North Carolina took place; however at least one of its most drastic features was frequently evaded, as I shall take occasion to show later.

<sup>32</sup> *Revised of 1837*, ch. 111, p. 585.

<sup>33</sup> *Ibid.*, ch. 111, p. 585.

<sup>34</sup> *Ibid.*, ch. 111, p. 585.

<sup>35</sup> *Revised of 1837*, ch. 111, p. 586.

The law of 1830 makes three notable changes in the old process of emancipation: (1) the substitution of perpetual exile for meritorious service for all slaves under the age of fifty years, (2) the requirement of a written petition, and (3) a transfer of jurisdiction from the county courts to the Superior Courts of the State. Despite the apparent severity of the law governing manumission Booker T. Washington in his book, "The Story of the Negro", says that the conditions and laws relative to the Negro in North Carolina were more lenient than those of any other Southern State. With the exception of a law passed in 1861 which forbade the emancipation of slaves by will<sup>36</sup> there was no further legislation in North Carolina with reference to the emancipation of slaves.

We thus see that the State discouraged the practice of manumitting slaves by making it both expensive and troublesome. The only way out of the difficulty was to send slaves out of the State to be set free. Such action was perfectly legitimate, provided the act was done with the bona fide intention that they should remain out of the State,<sup>37</sup> and in the case of Redding vs. Long<sup>38</sup> the Court held that "a deed conveying slaves to one in trust for the grantor during her life and then to send them to Liberia or some other free State . . . after grantor's death is not against the provisions or policy of our statutes on the subject of slavery."

Occasionally the legislature assumed the responsibility of emancipating certain slaves,<sup>39</sup> but aside from the regular, voluntary method of setting slaves free without remuneration, many negroes bought their freedom for a specified sum of money. It frequently happened that an especially industrious and ambitious negro slave hired his time of his master for a stipulated amount of money, and all he made in excess of that amount was set aside as a redemption fund. Lunsford Lane brought his freedom in this manner.<sup>40</sup>

<sup>36</sup> *Laws of North Carolina*, Session 1860-61, ch. 36, p. 69.

<sup>37</sup> *Green vs. Long*, 43 N. C. 70.

<sup>38</sup> 34 Jones Equity, 218.

<sup>39</sup> *Laws*, 1854-55, ch. 108, pp. 89-90.

<sup>40</sup> *Hawkins, Life of Lunsford Lane*.

It seems to be a demonstrable fact that when a slave owner voluntarily set his slaves free without remuneration, they were usually sent to free territory but instances can be multiplied of negroes who bought their freedom and remained in the State, the law to the contrary notwithstanding. Sam Morphis, a free negro of Chapel Hill, who earned his living by driving a hack, bought his freedom and continued to live in Chapel Hill.<sup>41</sup> Dave Moore, another slave, bought his freedom and remained at Chapel Hill.<sup>42</sup> Thomas Gosset, a slave blacksmith of Guilford county, bought his freedom of his master about the year 1850 and remained on the same plantation.<sup>43</sup> It was not an uncommon thing for a negro slave to buy his own freedom and then bargain for and procure the freedom of his wife and children by the labor of his hands.

### POLITICAL RIGHTS

As Judge Gaston pointed out, in the celebrated case of State vs. Manuel<sup>44</sup>, that under the British Colonial Government in Carolina there were only two classes of people recognized by the law; namely, citizens and aliens. It necessarily followed that the native-born free negro was by the principle of *jus soli* a native-born citizen of the State. The fact that he was a citizen, however, did not necessarily entitle him to exercise the privilege of the franchise except by sufferance on the part of the dominant race. While political discrimination against the free person of color during pre-revolutionary times was not so pronounced as it was in 1835, we find very little evidence which tends to show that the free negroes and mulattoes voted to any considerable extent prior to the Revolutionary War.

In the instructions of the Proprietors to the Governor of the Province in 1667, he was ordered to hold an election in which all freemen should help to choose members of the Assembly. This order on the part of the Proprietors was modified in 1734<sup>45</sup> so that none but free holders could vote; but not until 1760 was

<sup>41</sup> Information from Mr. John Huskey, an old citizen of Chapel Hill.

<sup>42</sup> This was also told me by Mr. Huskey.

<sup>43</sup> J. J. Brittain, Box 144, Salem Station, Winston-Salem, N. C.

<sup>44</sup> 20 N. C., 144.

<sup>45</sup> C. R., Vol. 1, p. 167.

a free holder defined.<sup>46</sup> In that year a freeholder was defined to be a person "who bona fide, hath an estate real for his own life-time or for the life of another, etc." The prescription of the property qualification for voting served to deprive the indigent free negro of the franchise. One would hardly feel safe in saying that the free person of color voted regularly prior to 1760. In a petition of the colonists to the crown in 1703<sup>47</sup> it was recited that in the election to choose members of the General Assembly "all sorts of people, even servants, negroes, aliens, Jews and common sailors were admitted to vote in elections." In regard to this election, it is said that "it was conducted with very great partiality and injustice,"—the inference being that it was an uncommon occurrence for negroes to vote.

The framers of our State Constitution of 1776, imbued with exalted notions concerning the rights of man, provided that every freeman with a freehold of fifty acres could vote for members of the State Senate, and that every freeman who had paid public taxes could vote for members of the House of Commons. Of course, under the terms of this section of the Constitution a free negro was entitled to vote; but it is hardly fair to assume that the framers of the Constitution were especially solicitous concerning the political privileges of the free negro when they gave the ballot to all freemen.

Notwithstanding the fact that the negro vote in the State was practically negligible except in a few counties, such as Halifax,<sup>48</sup> white people came more and more to resent the participation of the free negroes in politics. They had been disfranchised in the neighboring States, Virginia having disfranchised her free negroes in 1723<sup>49</sup>; consequently North Carolina in 1835 was the only one of the slaveholding states that allowed the free negro to exercise the franchise. Lacking in intelligence and correspondingly venal, the free negro's support of any aspirant for political office finally came to be regarded as a sort of reproach to the candidate.<sup>50</sup> It was asserted in the Con-

<sup>46</sup> *Ibid.*, Vol. 4, p. 8.

<sup>47</sup> *Ibid.*, Vol. 1, p. 689.

<sup>48</sup> *Political Science Quarterly*, Dec., 1894, p. 626.

<sup>49</sup> *Johns Hopkins Studies*, Vol. 81, p. 418.

<sup>50</sup> *Atlantic Monthly*, January, 1886.

vention of 1835 that the negro vote could be bought with "a little to drink . . . like a lot of poultry."<sup>51</sup> It is claimed that the free negroes lost the franchise in Granville county by persistently supporting Robert Potter. Robert Potter was a notorious politician who later disgraced himself by committing "a brutal mayhem upon two of his wife's relatives."<sup>52</sup>

Indicative of the general attitude of the white people toward the negro is an act of the legislature of 1832,—"an act to vest the right of electing the clerks of the County and Superior Courts in the several counties in this State in the free white men thereof."<sup>53</sup> No mention is made of the free negro as being a qualified voter in this election.

In 1835 there were 300 colored voters in Halifax county, 150 in Hertford, 50 in Chowan, and 75 in Pasquotank.<sup>54</sup> Of course, there were colored voters in many other counties of the State; however the free negro was not a regular voter in many western counties, notably Iredell. Mr. King, of Iredell, could not recall that a free negro had ever voted in his county.<sup>55</sup>

Many broad-minded men in the Convention saw and pointed out the injustice of depriving the free negro of the franchise when "he possessed the same property and other qualifications required of other citizens,"<sup>56</sup> and to correct this injustice amendments were offered which excepted the property-owning class from the general operation of the law disfranchising free negroes. The amendments were defeated by a small majority. In the main, we may say that the colored voter was disfranchised on grounds of expedience rather than upon the grounds of abstract right.

### CIVIL RIGHTS

Before the establishment of an independent state government in 1776, not many laws were enacted which abridged the civil rights of the free negro. As a British subject he was required to pay the same tithes as the other inhabitants of the

<sup>51</sup> *Debates in Convention*, 1835.

<sup>52</sup> Wheeler, *Reminiscences*, p. 184.

<sup>53</sup> *Hoke vs. Henderson*, 15 N. C. 1.

<sup>54</sup> *Political Science Quarterly*, December, 1894, p. 676.

<sup>55</sup> *Debates in Convention*, 1835, p. 253.

<sup>56</sup> *Ibid.*, p. 256.

Province.<sup>57</sup> In 1746 "all negroes and mulattoes bond and free to the third generation (extended to the fourth in 1776) were disqualified to appear as witnesses in any cause whatsoever, except against each other.<sup>58</sup> This law was never repealed. While the law protected a white man against one of the fatal weaknesses of the negro mendacity, it undoubtedly gave to white people an undue advantage over their incompetent neighbor, the free negroes.

About 1787 a series of laws were enacted regulating the conduct of free persons of color. For instance, they were forbidden to trade with slaves in property of any kind<sup>59</sup> under penalty of £10 or three months in prison, they were forbidden to entertain any slave in their houses during the Sabbath or between sunrise and sunset,<sup>60</sup> and in the towns of Wilmington, Washington, Edenton and Fayetteville free negroes were required to wear a badge of cloth on the left shoulder, "and written thereon the word 'Free'". In addition they had to register with the town clerk and pay a fee of ten shillings three days after arrival in these towns.<sup>61</sup> These laws were passed for the purpose of preventing free negroes from harboring runaway slaves, and from receiving stolen goods from slaves.

The first law making it a criminal offense to bring slaves into the State from a State which had already liberated its slaves was enacted 1786.<sup>62</sup> The law fixed a penalty of £50 for each slave brought in, such fine to take the form of a bond as security for the removal of said slave to the place from whence he came. A similar law was passed in 1826,<sup>63</sup> by virtue of which a free negro was forbidden to enter the State of his own accord under penalty of \$500 or a period of ten years in servitude. A period of twenty days was given the intruder in which to leave the State. This law was passed upon recommendation of Governor Gabriel Holmes, who became alarmed at the return of a large of free negroes from Haiti, at which

<sup>57</sup> *S. R.*, Vol. 23, p. 262.

<sup>58</sup> *Ibid.*, p. 262.

<sup>59</sup> *S. R.*, Vol. 24, p. 956.

<sup>60</sup> *Ibid.*, p. 891.

<sup>61</sup> *Ibid.*, pp. 728-729.

<sup>62</sup> *Martin's Revision*, ch. 6, p. 414.

<sup>63</sup> *Laws of North Carolina*, Session of 1828-29, ch. 34, p. 21.

place they had become inoculated with ideas of freedom. The Virginia legislature passed a law in 1806, banishing all free negroes thereafter set free,<sup>64</sup> many of whom came to North Carolina; however no action was taken at that time to prevent the free negroes from Virginia from entering the State. In order to protect the free negro in the enjoyment of his liberty, the State legislature made the act of kidnapping and selling a free negro into slavery in another state a capital offense without benefit of clergy,<sup>65</sup> but on account of the law which forbade a negro to testify against a white man, it was frequently difficult to prove a man guilty of kidnapping. A rather singular feature of the law was that the penalty for stealing and selling a free negro within the bounds of the State could not exceed a fine of \$1,000 or imprisonment for more than 18 months.

The legislature of 1830, not satisfied with the task of making manumission more difficult, proceeded to restrict the movements of those negroes already free by ordering that no free negro could return to this state after being absent for a period of ninety days or more.<sup>66</sup> Provision was made for providential hindrance. This law served a double purpose; namely, it was a means of getting rid of an undesirable element of the population, and in the second place it prevented the dissemination of radical ideas concerning freedom which itinerant negroes might bring back from the North by reason of having come in contact with abolitionists.

For the purpose of protecting a free person of color in the enjoyment of his property, the legislature extended the law respecting insolvent debtors to free persons of color.<sup>67</sup> This law was repealed in 1841.<sup>68</sup> In the same year (1841) the rating of a free negro with respect to citizenship was further discounted by the enactment of a law which excluded him from the ranks of the State militia except in the capacity of musician.<sup>69</sup> A rather singular situation prevailed. Here was a

<sup>64</sup> *Johns Hopkins Studies*, Vol. 31, p. 418.  
<sup>65</sup> *Martin's Revision*, ch. 11, Laws of 1779.

<sup>66</sup> *Revision of 1837*, ch. 34, p. 208.

<sup>67</sup> *Laws of North Carolina*, Session of 1841, ch. 80, p. 61.

<sup>68</sup> *Revision of 1855*, ch. 802, p. 1196.

<sup>69</sup> *Revision of 1855*, ch. 828, p. 1218.

class of people who paid public taxes and voted, but were not allowed to bear arms in defense of their State.

On account of the difficulty of collecting taxes from many free negroes, due to the fact that they had very little property which could be levied on, the General Assembly in 1828 required a person on whose land free negroes resided to "pay a poll tax on the same residing there with their consent."<sup>70</sup> By act of the legislature of 1831, when a free person of color was convicted of a criminal offense and was unable to pay the fine, he should be hired out to any person who would pay the fine in exchange for the negro's services for the shortest length of time—not to exceed five years.<sup>71</sup>

In 1838 for the first time in the history of North Carolina the constitutionality of one of the special laws applicable to a particular class of so-called citizens was tested in the case of State vs. Manuel.<sup>72</sup> Manuel, a free negro of Sampson county, was convicted of assault and battery and fined \$20.00 by the court. Upon declaring his inability to pay the fine, he was sentenced to be hired out according to law; whereupon he took an appeal to the Supreme Court of North Carolina. Judge Gaston in a lengthy and able opinion stated two important principles: (1) that the free person of color was a citizen of North Carolina, and (2) that the law requiring free negroes to be hired out in certain cases was constitutional. It had been argued with much show of reason in the Convention of 1835 that the free negro was not a citizen, mainly for the reason that he was not free to move from State to State. Setting aside this argument, Judge Gaston demonstrated that the right of suffrage did not necessarily accompany citizenship. After postulating that "all free persons born within the State are born citizens of the State," he proceeded to show that the removal of the disability of slavery would automatically work to make a citizen of a slave born within the State. He justified the unusual mode of punishment prescribed for a particular class of citizens on the ground that the legislation was given a large grant of power in the suppression of crime, and by reason of this fact it could

<sup>70</sup> *Laws of North Carolina*, Session 1828-29, ch. 84, p. 21.

<sup>71</sup> *Revised of 1887*, ch. 111, pp. 591-592.

<sup>72</sup> 20 N. C., 144.

discriminate as between different classes of citizens, for what would constitute a punishment for one class of citizens might not be a punishment for another.

On the case of State vs. Newson<sup>73</sup> which was decided in 1844, the constitutionality of the law forbidding free negroes to own or carry weapons was tested. Judge Nash, who rendered the opinion of the Court, took occasion to refer to the case of State vs. Manuel, saying in part, that the hiring out of free negroes introduced a different mode of punishment in the case of a colored man and a white man for the same offense, thereby inferring that such punishment was in contravention of the third article of our State Constitution, which forbids the granting of "exclusive or separate emolument . . . but in consideration of public services." In concluding his opinion he justified the discriminating character of the laws addressed to the free negro by saying that they "are not to be considered citizens in the largest sense of the word."

Notice has been taken of the fact that a quietus was put on negro preachers in 1831. The rights of the free person of color were further circumscribed during the forties. For example, it was made unlawful to sell spirituous liquors to such people, except on prescription of practicing physicians for medicinal purposes.<sup>74</sup> The marriage of a free negro and a slave was absolutely prohibited by law,<sup>75</sup> and a free negro was not allowed to bear arms or to have weapons in his possession unless he had a license from the Court of Pleas and Quarter Sessions.<sup>76</sup> However restrictive this legislation may appear, it is not comparable to many laws on the same subject enacted in Virginia. Free negroes could not own slaves in North Carolina until 1861.<sup>77</sup> They were not only forbidden to own a gun in Virginia, but they were likewise forbidden to own a dog.<sup>78</sup> After 1832 free negroes were not allowed benefit or trial by jury in Virginia, while in North Carolina this fundamental right was never abridged.

<sup>73</sup> 27 N. C., 250.

<sup>74</sup> *Laws of North Carolina*, Session 1858-59, ch. 812 p. 71.

<sup>75</sup> *Revised of 1855*, ch. 107, p. 577.

<sup>76</sup> *Ibid.*, ch. 107, p. 577.

<sup>77</sup> *Laws of North Carolina*, Session 1860-61, ch. 87, p. 69.

<sup>78</sup> *Johns Hopkins Studies*, Vol. 81, p. 418.

One might seriously inquire as to what remained of the civil rights of the hybrid citizen, known in legal parlance as the free person of color, save the right of trial by jury, road duty, and the poll tax requirement. In answer to this inquiry, I quote a portion of Governor Graham's letter to Holderby written in 1866:

Free negroes have always been regarded as freemen in North Carolina, and as such, entitled to the privilege of habeas corpus, trial by jury, ownership of property, even slaves, to prosecute and defend suits in courts of justice . . . and to prove by their own oath, even against white men accounts to the amount of sixty dollars for work and labor done on goods sold under the Book Debit Law.<sup>n</sup>

To the foregoing let me add an excerpt from Governor Worth's message to the General Assembly in 1866:

Such rights as were accorded to the free colored people of North Carolina were ever most scrupulously observed and maintained. For ages it had been a most ignominious offense to kidnap . . . or to endeavor to enslave a person of African descent who was free. . . . In all criminal accusations tried by jury, he was allowed the rights of challenge and other safeguards of the common law. Property was acquired and held by them with all the privileges of transfer, devise and descent.<sup>m</sup>

After all has been said, the lot of the free negro in North Carolina was a hard one. He had very little to strive for—no high and worthy goal spurred his ambition. The avenues of opportunity were closed by legal and social restrictions; consequently he passed among the white people for a sort of worthless incubus on society. Had the old slavery regime survived a few years longer it is probable that all the free negroes would have been compelled to leave the State, or at least an attempt to expel them would have been made. During the session of the legislature of 1858-59 two bills, one originating in the House and the other in the Senate, were introduced, providing for the removal from the State of all free persons of color by January 1, 1860, or the enslavement of those who remained.

<sup>n</sup> *The Daily Sentinel*, February 8, 1866.

<sup>m</sup> *Ibid.*, January 20, 1866.

<sup>m</sup> Bills found in the Weeks Collection, U. N. C. Library.

## SOCIAL AND ECONOMIC STATUS

Socially the free negro was supposed to take a little higher rank than the slave; however not every slave would acknowledge the social supremacy of his free brother. The attitude of envy and sometimes of contempt for the "old issue," as the free negro was commonly called, was probably encouraged by the slave owners, who wished to discourage the association of the two classes of negroes. It has already been noted that free negroes were finally absolutely forbidden to marry slaves, and amongst other laws designed to prevent a too great intimacy between free negroes and slaves, there was one which forbade them to gamble with one another.<sup>82</sup> In spite of the laws designed to prevent social intercourse between the two classes of negroes, there was a great deal of clandestine association, especially in the towns. Mr. John Huskey, an old citizen of Chapel Hill, recalls the time when the magistrate's court in Chapel Hill was crowded with offenders against the gambling law.<sup>83</sup> It was a common occurrence on Monday morning to see a group of these offenders led out into the bushes and there given thirty-nine lashes. The relation between free negroes and slaves was probably more cordial in the towns than in the country. Occasionally a free negro married a slave, and, indeed, a slave wife was often preferred on account of the fact that she was supported by her master.

Free negroes and white people were, of course, forbidden to marry on any terms;<sup>84</sup> at the same time there are many well-known instances of illicit cohabitation between free negro men and white women. O. W. Blacknall tells the story<sup>85</sup> of a white woman in Granville county who contrived to circumvent the law prohibiting her marriage to her negro lover by having a portion of his blood injected into her veins. She could then swear that she had negro blood in her veins. The free negro women, especially the single ones, were mercenary, and the fact that 55% of the free negro population of North Carolina in

<sup>82</sup> *Revised of 1837*, ch. 111, p. 590.

<sup>83</sup> A considerable number of free negroes lived in the town of Chapel Hill.

<sup>84</sup> *Laws of North Carolina*, Session 1830-31, ch. 4, p. 9.

<sup>85</sup> *Atlantic Monthly*, January, 1886.

1860 consisted of mulattoes<sup>86</sup> is very good evidence that the moral standard of many white men was decidedly low.

The poor white man was ever an object of contempt in the sight of the free negro. "Big white folks are all right, but poor white folks ain't no better than us niggers." Such was the general opinion the colored citizen held of his indigent white neighbor.

As a rule, the Quakers were much more cordial in their relations with the free people of color than was any other element of the white population in the State.<sup>87</sup> Rev. J. W. Wellons, of Elon College, N. C., relates an interesting experience he had in attempting to preach to a group of free negroes in Randolph county many years before the Civil War. The free negroes referred to were known as Waldens. They owned considerable land and were withal respectable farmers. The Quakers had allowed them to sit in the congregation with the white folks, and also to come to the white "mourner's bench." On the particular occasion in question, Reverend Mr. Wellons assigned them a certain space in which to sit, and invited them to a separate "mourner's bench," whereupon they became insulted, raised their tents, and left the camp meeting. As a rule, the free negroes did not attend church, possibly for the reason that in nearly all the churches they had to sit with the slaves.<sup>88</sup>

There are no available figures which show the percentage of crime and criminals among the free colored people as compared to the slaves. The fact that their criminal record was sometimes pointed out as an argument against the general emancipation of slaves, does not indicate that they were any worse than the slaves. The slave owners always regarded the free negro with suspicion because he was known to be in sympathy with the desire of the slaves to be free; he might aid slaves in planning a revolt, in running away from their masters and in disposing of stolen goods.

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<sup>86</sup> *Atlantic Monthly*, January, 1886.

<sup>87</sup> Rev. J. W. Wellons, Elon College, N. C. Mr. Wellons witnessed the execution of Nat Turner in 1831.

<sup>88</sup> Pleasant Grove Church in Randolph county contained a reservation for free negroes.

A glance at the table on the opposite page will show that the counties of Halifax, Wake, Craven, Robeson, Granville and Pasquotank had the heaviest free negro population,—Halifax leading with 2,452. Probably the largest group of free negroes to be found in North Carolina was the exclusive "old issue" settlement known far and wide as The Meadows, near Ransom's Bridge on Fishing Creek in Halifax County. The people still bear the appellation "old issue," and are heartily detested by the well-to-do negroes in the adjoining counties.

The United States Census Reports show the following increase in the free negro population of North Carolina, beginning with 1790:

1790	free black population	.....	4,975
1800	" "	.....	7,043
1810	" "	.....	10,266
1820	" "	.....	14,612
1830	" "	.....	19,543
1840	" "	.....	22,732
1850	" "	.....	27,463
1860	" "	.....	30,463

In 1816 the General Assembly of North Carolina memorialized Congress to set apart "a certain portion of the United States, situate on the Pacific Ocean for an asylum for persons of color . . . heretofore emancipated or shall hereafter be emancipated under the laws of this State or any other State."<sup>88</sup> The Federal Government was to provide free transportation. Of course, no action was taken; but the petition throws light on the prevailing sentiment in North Carolina in 1816 with reference to the emancipated negroes. As a matter of fact, there never was a time that the people of North Carolina would not have rejoiced to see a wholesale exodus of the free colored population from the State.

The pronounced indolence and shiftlessness of the free negroes led to the enactment of a law respecting idleness and vagrancy among this class of people, and provided for the hiring out of any free negro convicted of idleness for a term of service and labor not to exceed three years for any single offense.<sup>89</sup>

<sup>88</sup> Hoyt, *Murphy Papers*, p. 61.  
<sup>89</sup> *Revised of 1837*, ch. 111, p. 588.

## FREE NEGROES BY COUNTIES IN NORTH CAROLINA—1860

Alamance .....	422	Jackson .....	6
Alexander .....	24	Johnston .....	195
Alleghany .....	33	Jones .....	113
Anson .....	152	Lenoir .....	178
Ashe .....	142	Lincoln .....	81
Bertie .....	319	McDowell .....	273
Bladen .....	435	Macon .....	115
Brunswick .....	260	Madison .....	17
Buncombe .....	111	Martin .....	451
Burke .....	221	Mecklenburg .....	293
Cabarrus .....	115	Montgomery .....	46
Caldwell .....	114	Moore .....	184
Camden .....	274	Nash .....	687
Carteret .....	153	New Hanover .....	640
Caswell .....	282	Northampton .....	659
Catawba .....	32	Orange .....	528
Chatham .....	306	Onslow .....	162
Cherokee .....	38	Pasquotank .....	1,507
Chowan .....	150	Perquimans .....	395
Cleveland .....	109	Person .....	318
Columbus .....	355	Pitt .....	127
Craven .....	1,332	Polk .....	106
Cumberland .....	109	Randolph .....	432
Currituck .....	223	Richmond .....	345
Davidson .....	149	Robeson .....	1,462
Davie .....	161	Rockingham .....	409
Duplin .....	371	Rowan .....	136
Edgecombe .....	389	Rutherford .....	123
Forsyth .....	218	Sampson .....	488
Franklin .....	566	Stanly .....	45
Gaston .....	111	Stokes .....	86
Gates .....	361	Surry .....	184
Granville .....	1,123	Tyrrell .....	143
Greene .....	154	Union .....	53
Guilford .....	693	Wake .....	1,446
Halifax .....	2,452	Warren .....	402
Harnett .....	103	Washington .....	299
Haywood .....	14	Watauga .....	81
Henderson .....	85	Wayne .....	737
Hertford .....	1,112	Wilkes .....	261
Hyde .....	257	Wilson .....	281
Iredell .....	26	Yancey .....	67

How did the free negroes employ their time? While there were exceptions, the majority of the free colored people hired themselves to work for white people for a daily wage, others became blacksmiths, tinkers, barbers, farmers, small merchants and fiddlers. In almost every community there was a free negro well-digger or ditcher. Where they could rent land, many of them attempted farming on a small scale in connection with their work as wage earners. Free negro women usually made better house servants than slave negro women and were consequently frequently employed in that capacity.<sup>91</sup>

With practically no education, and with very little incentive to accumulate property in any of its forms, one is not surprised to learn that the free negroes, in the words of an old-timer, "never amounted to much."

This paper would not be complete without reference to a few notable free negroes who achieved distinction in the State and nation. Lunsford Lane, the slave of Mrs. Haywood, of Raleigh, bought his freedom and then went North to collect funds with which to buy his wife and children. On returning to the State, he began to negotiate for the purchase of his family, but before he could effect their release from bondage he was forced to leave the State. Not content to leave his wife and children in North Carolina, he came back a second time on the assurance of influential friends that he would not be molested. Upon his arrival in Raleigh, he was arrested, tried and acquitted of being an abolition lecturer. He was subsequently tarred and feathered, but on leaving the State the second time he carried his family. He later became famous as an abolition lecturer.<sup>92</sup>

John Chavis is another famous free negro. He was a regular ordained minister until 1832, when as a result of Nat Turner's Rebellion, all colored preachers were silenced. After 1832 he followed the teaching profession with signal success, conducting schools in Wake, Chatham and Granville counties, and numbering among his pupils such prominent men as Governor Charles Manly, Priestly Mangum, son of Senator Mangum, and

<sup>91</sup> Reverend J. W. Wellons, Elon College, N. C.

<sup>92</sup> Hawkins, *Life of Lunsford Lane*.

Mr. James H. Horner, founder of the Horner School. He seems to have had a very successful theory of teaching the English language, and his school was reputed to be the best preparatory school in the state at that time.<sup>93</sup>

John C. Stanley, another prominent free negro, began work as a barber and eventually acquired several plantations and sixty-four slaves.<sup>94</sup> Lewis Sheridan, a successful negro farmer and business man, the owner of nineteen slaves, was regarded by Judge Samuel Wilkeson, of New York, as a man of high character, moral worth and mercantile ability.<sup>95</sup>

Other free negroes worthy of special mention are James D. Sampson, John Good, of New Bern, and Henry Evans, a full-blooded free negro from Virginia, a shoemaker by trade, who founded the Methodist Church in Fayetteville during the late eighteenth century.

After taking into account the entire policy of the State relative to the free negro—a policy characteristic of the entire South, one feels that in many respects it was a mistaken one. For instance, should not the State have provided for the education and general uplift of its free negroes? While there were no laws to prohibit the teaching of free negroes, the State did not adopt any positive measures for training them in the duties of citizenship; consequently they remained for the most part in abject and vicious ignorance. It is quite probable that the history of reconstruction in North Carolina would have a brighter aspect had there been an enlightened element of negroes as a nucleus around which the great mass of freedmen could have arrayed themselves. Instead of being led by carpet-baggers, they could have had the leadership of conservative, law-abiding negroes, already instructed in the duties of citizenship.

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<sup>93</sup> *The Southern Workman*, February, 1914.

<sup>94</sup> *Johns Hopkins Studies*, 1899, p. 360.

<sup>95</sup> *Ibid.*, Vol. 87, p. 35.

**SOME COLONIAL HISTORY OF  
CRAVEN COUNTY**

**BY  
FRANCIS H. COOPER**



## SOME COLONIAL HISTORY OF CRAVEN COUNTY

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Before we can understand or know the history of one county, it is necessary to have a general knowledge of the history of the colony or State. So, before writing the history of Craven county during the colonial period, I deem it necessary first to give a brief history of North Carolina before 1707.

Carolina before 1663 belonged to Sir Robert Heath, who had promised to help settle it. He did not, however, make any efforts toward settlement. So in 1663 Carolina was given to eight Lords Proprietors, who were to settle it and govern the settlers as they saw fit. These proprietors were the Duke of Albemarle, Lord Craven, Lord Ashley; Sir John Colleton, Lord John Berkley, Sir William Berkley, Lord Clarendon, and Sir George Carteret. They immediately met and set up a plan of government for Carolina. They also said, and had it made known to the public, "that freedom should be enjoyed by the colonists, and that for the five years next following every new settler should receive one hundred acres of land, and fifty in addition for each servant that he brought into the colony, subject only to the payment of a half penny per acre. There was also entire exemption granted from the payment of any custom dues."<sup>2</sup>

The first people that we are sure settled in Carolina came in 1656, but we have a reason to believe that there were settlers in Albemarle before then. We find Roger Green, a Clergyman, petitioning for and obtaining ten thousand acres of land for the first one hundred persons who should settle themselves on the Roanoke and south of the Chowan.<sup>3</sup> This was in the year 1653. Again, in 1651 we find a party of the people who lived south of Norfolk making an entrance by the Currituck inlet, touring Carolina. First they explored Roanoke where Raleigh's first colony was, then proceeded to the Tuscarora Indians, whom

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<sup>1</sup> This paper was awarded the second prize in the Colonial Dames contest for 1916.

<sup>2</sup> Hawks, *History of North Carolina*, p. 70.

<sup>3</sup> Hawks, Vol. II, p. 70.

they attached to the interest of the English. After meeting the Tuscaroras they journeyed southward and came in contact with the Neuse, Haynokes and Core Indians, who dwelt on the shores of the Pamlico and Neuse rivers.<sup>4</sup> It is probable that they came inland as far as the present Craven, or Colonial Craven County.

In 1660 the people from New England attempted to settle on the Cape Fear River but failed. In 1664 a group of men landed on Cape Fear from Barbados, intending to make it their home, but they were also unsuccessful. At this time there were two counties in Carolina, Albemarle County on the North and Clarendon on the South, including the Cape Fear region. Between these two counties there was a region including the Neuse and Tar Rivers, later known as Bath County, but at this time unsettled save for the Indians and nearly equally wild northern hunters.<sup>5</sup> In fact I have been able to find the record or name of but one settler in the territory which later became Colonial Craven County who came before 1707. That one was Mr. James Blount, who came from Virginia in 1664.<sup>6</sup> Although he is the only one we know of directly it is certain that there were others who had penetrated from Albemarle or had come from Bermuda and settled there before 1707. In 1676 Thomas Eastchurch was made commander in chief of the settlements on the Pamlico and Neuse rivers. At this date undoubtedly there were a few settlers on the Neuse, and these were stragglers from Albemarle. Most of the people who settled in Carolina before 1707 were either fugitives of religious persecution from New England and Virginia, or were fugitives of the law who came from Virginia and the Bermudas to escape from the hand of justice. Dr. Hawks says, "The region south of Albemarle as far down as the Neuse and Pamlico derived the larger part of its first inhabitants from the counties between the Sound and Virginia."<sup>7</sup> But before these commenced their migration there were some whites there, but not English. Martin says that in 1690 the French Protestant refugees on the James River bought land on the Pamlico and settled there. In 1698

<sup>4</sup> *Ibid.*, p. 71.

<sup>5</sup> *Ibid.*, p. 6.

<sup>6</sup> Wheeler's *Men and Memories of North Carolina*, under Craven County.

<sup>7</sup> Hawks, Vol. II, p. 84.

the whites from Albemarle made settlements on the Pamlico. The Indians in that region just before the whites came had been killed by a plague, thought to have been the smallpox.<sup>8</sup> But with all these settlements there were but about 5,000 whites in North Carolina in 1698.<sup>9</sup> Soon after this migration in 1698 to the Pamlico River the English settled the present town of Bath. This was the first incorporated town in the province. Forty-two years had elapsed between the first settlement and the first town in North Carolina. This was due largely to the fact that the people were given to farming, and their products were delivered directly from the field to the boat.

In 1707 the first settlement that we are sure of was made in Craven County. A colony of French Huguenots, encouraged by William III, in the year 1690, had come to America and settled at Manakin Town, Virginia, above the falls of the James River. They were not satisfied with the land that they first occupied and moved southward, one group in 1690,<sup>10</sup> and, as we have seen, settled on the Pamlico. In 1707 another group moved southward and settled on the Trent and Neuse Rivers, mostly on the Trent in Craven county, near where the old county bridge stood,<sup>11</sup> which was not over a mile and a half from the site of the present bridge. With these French, who were a sober, frugal, industrious people, and who in a short time became independent citizens, came their minister, Phillip de Richebourg.<sup>11</sup> Some of his descendants still live in the county of Buncombe. And Williamson says that Rymbourg came with them,<sup>12</sup> but he must have stopped on the Pamlico. After a short time Richebourg, with a portion of his people, proceeded farther south and planted himself on the Santee River, where he died.

There are plainly two causes that brought the early settlers to North Carolina. First, the land was fertile and free; second, because freedom of worship was promised. Not only religious people came to North Carolina, but also outlaws and debtors

<sup>8</sup> *Ibid.*, p. 84.

<sup>9</sup> *Ibid.*, p. 85.

<sup>10</sup> Williamson, *History of North Carolina*, p. 178.

<sup>11</sup> Vass, *History of Presbyterian Church and Craven County*, p. 49.

<sup>12</sup> Williamson, p. 178.

came. These mixed and we are not surprised that in a short time we do not find the settlers of North Carolina religious, after having adapted themselves to a new country, new manners and ways, and mixed the best with the worst. In fact they had ways of their own. But these people were not allowed to rest in peace long before an attempt was made to persecute them in their new homes.

As we have seen, Carolina was given to the Lord Proprietors and they promised freedom of worship to settlers; also Charles II said, "that the Church of England should be the church of the province. Yet that toleration should be allowed to all other sects so long as they did not trouble the government or insult the Church." These were the intentions of the Proprietors and the King, but they were unfortunate in picking men for governors of the province.

The first of these governors that I shall mention was Stephens, (1667). He did not try to force the English Church on the people, but he did forbid them to pay debts made before coming to North Carolina. He also tried to force "Locke's Constitution" on them. They resisted it, however, until 1775. In 1677 came the Culpepper Revolt. Then came the rule of Seth Sothel. He broke off the trade with the Indians for his own private gain. He seized and confiscated without a shadow of cause cargoes, negroes, cattle, plantations, and even pewter dishes were not exempt from his rapacious hands. He upheld men of his own type, and there was no justice in court. In 1704 Governor Daniels came over. He was determined to establish the Church of England in the Province but had little success. He was governor only one year before Cary came as governor. Cary was determined to rule the colony. He ruled for a short time when Glover came over as governor. He did not intend to give up his office and he brought about the Cary Rebellion, which we shall touch upon later.

In 1664 that part of the country between Albemarle and Clarendon was made into a county by the name of Bath. And in 1705 Bath was divided into three precincts, Craven being included in the Archdale precinct.

## CRAVEN COUNTY, SITUATION, CLIMATE, SOIL, PRODUCTS AND TRADE

The present Craven county lies in the eastern part of North Carolina, on the Neuse and Trent Rivers. It has an area of about 417,950 acres and is bounded by the counties of Carteret, Pamlico, Jones, Pitt, Beaufort, and Lenoir. It is considerably smaller now than at the close of the year 1775.

In 1664 the territory between Albemarle and Cape Fear was named Bath. In 1705 Bath county was divided into precincts. That part of the country between the Neuse and Pamlico Rivers, together with the settlements on both sides of Neuse, was called Archdale precinct. This precinct included the present Craven county and more. At this time there were about five thousand inhabitants in the whole province. The coming of the French, Swiss, and Germans to Archdale precinct, or Craven county, made Archdale the most populous precinct south of Albemarle. In 1713 the population of the whole province was not more than three thousand, the Indian war having driven the people away. But in 1715 we find the whole province to have about eleven thousand two hundred inhabitants. There were 7,500 whites and 3,700 negroes. In fact the population had increased in such numbers since 1713 that the Lord Proprietors found it necessary in order to govern the people and in order to establish the Church, to divide each of the three counties into precincts and parishes. Bath was divided into three or four precincts or parishes. That part on the Neuse, Trent, and Bear Rivers, and their branches, formerly Archdale precinct, was named Craven precinct or parish,<sup>13</sup> after Lord Craven, one of the Proprietors. The population gradually increased in Craven precinct. In 1729 all the province was purchased by the crown with the exception of Carteret's part. The royal authority changed the term of precinct to county, giving each the colonial county government. Craven county consisted of the territory on the Neuse, Trent, and Bear Rivers and their tributaries. It seems as if there was no limit to the western part of the county.

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<sup>13</sup> *C. R.* Vol. II, p.207.

I suppose that it extended as far back as the source of the Neuse. In 1733 Edgecombe county was formed out of part of Craven county.<sup>14</sup> In 1746 Craven county was divided by a line beginning at the mouth of Southwest Creek and extending up the creek. The northern part became Johnston county.<sup>15</sup> In 1764 the northern part of Craven was added to Dobbs county and later a part to Pitt. About this time, by the petition of the people of that part of Beaufort lying between Bay River and Lower Broad Creek, that part of said county, became a part of Craven county. So we see that from the year 1733 the boundaries of Craven county were steadily decreased and one time increased, so they were nearly the same as now plus those of Jones, and part of Pamlico.

The climate of Craven is changeable but good. The soil runs from the sandy soil in the fields to the black of the river valleys. In its productiveness it is unsurpassed, both for agriculture and stock raising. Hawks, speaking of the eastern part of North Carolina, particularly of Colonial Carteret and Craven counties, says, "While from the Virginia line down to the sea coast in Carteret, the region of the first settlers was wonderfully productive. The swamps and stream banks [Craven is full of such streams and banks] are full of oak, cypress, gum, cedar, ash, maple, and walnut trees. The pasture was excellent and the oxen grew to a great size and were used for beef. Heifers increased so rapidly that in a short time people found themselves owners of hundreds of cattle and beeves. The hog increased greatest being fed from acorns and nuts found in the woods. Sheep thrived." Indeed Craven was a rich territory. Life was made easy by nature, and it is not to be wondered at that with such existing natural advantages and freedom as Craven afforded that the oppressed of other countries and colonies sought abodes there.

The people of Craven county at first only traded with New England and Virginia, but soon with the West Indies and Europe. Indeed, ships left New Bern direct for France and Eng-

<sup>14</sup> *Handbook of North Carolina*, 1879, p. 67.

<sup>15</sup> *O. R.*, Vol. XXIII, p. 248.

<sup>16</sup> *Ibid.*, p. 48.

land before 1776. I expect that Craven county had as much if not more trade than any other colonial county of North Carolina. The chief products were beef, pork, tallow, hides, deerskins and furs, corn, peas, tobacco, cotton, hemp, tar, pitch, turpentine, rice, and flour. To Virginia went the greater part of our tobacco, in exchange for articles needed. To New England and the Bermudas went the greater part of our products in exchange for rum, sugar, salt, molasses and some wearing apparel. To Europe went our naval stores. Indian corn, and naval supplies were our greatest exports. So great an amount of Indian corn was being shipped from New Bern in 1776 that Tryon, fearful that the supply would give out, proclaimed that no more should leave until after four months from date. This corn went to the North and to the West Indies.<sup>17</sup> We had a good trade with the North and West Indies. The harbors at New Bern were never seen without a ship from one of these places waiting for cargoes. Craven county was on the post road from Suffolk, Virginia, to South Carolina. The roads of Craven were bad, but not so in comparison with those of other counties. Indeed, Colonial Craven county was an ideal place of abode.

### SWISS AND GERMAN PALATINES

Craven county, or Archdale precinct, as it was then known, has the distinction of having the first settlers to come direct from Europe to the province. And this colony added greatly to the population of the province. They made good citizens and were welcomed to the colony. Fitch says, "This was the first important introduction into the eastern section of the province of a most excellent class of liberty-loving people, whose descendants, wherever their lots were cast in our country, gave illustrious proof of their valor and patriotism during the Revolutionary War."<sup>18</sup>

The German Palatines came from the Palatinate. They came also from Heidelberg, and its vicinity.

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<sup>17</sup> *C. R.*, Vol. VII, p. 225.

<sup>18</sup> Fitch *Some Neglected History of North Carolina*, p. 26.

The colony was indebted for these to the trouble in Europe in 1693.<sup>19</sup> This trouble was religious persecution. The Elector Palatine, Frederick III, surnamed "the pious," who died in 1676, was one of the purest and noblest German princes,—the German Alfred. He was devoted to the advancement—political, educational, and ecclesiastical—of his people. In 1685 the successor of Frederick died and the house of Newbury, a bigoted popish family, came in. The religion of a province in Germany was at that time governed by the religion of the ruling prince, or in other words the people had to recant every time a new prince with a different religion came on the throne. The Palatinate was a strong Protestant province, and in spite of the invasions of 1622, 1634, 1688, ordered by the pope, had retained their faith in Protestantism and would not change. The new prince in 1685 being a Catholic, severe punishment was brought upon them, but they refused to recant. In 1688 Louis XIV of France, a zealous champion of the pope, waged war on and invaded the Palatinate. The country was devastated and the people turned out of their homes because they would not, or could not, change their faith every time the throne was occupied by a new prince. They with their neighbors from the near vicinity, to the number of many thousand, had to seek homes in foreign countries. Great sympathy was felt for these poor creatures, whose sin was merely Protestantism.<sup>20</sup> The Queen of England, Anne, pitying their condition by her proclamation, in 1708, offered them protection in her dominions, and about twelve thousand went to England in 1708-1709. De Graffenried estimated that at the time of his arrival in England more than twenty thousand had come, "but intermingled with many Swiss and people of other German provinces."<sup>21</sup>

About this time Christopher Emanuel de Graffenried arrived in England and with him a friend, Lewis Mitchell. Both of these men were looking for a way to repair their fortune. Mitch-

<sup>19</sup> Hawks, Vol. 2, p. 86.

<sup>20</sup> Hawks, Vol. II, p. 86.

<sup>21</sup> Vass, p. 57.

ell had been to America and knew something of it. De Graffenried was a young, handsome and fascinating Swiss nobleman and was a favorite of Queen Anne. He was a citizen of Bern, Switzerland, and the elder son of Antony De Gräffenried, Lord of Worb. He had been mayor of Yoerdon, in Neufchatal, under the commission from the senate of Bern. He had failed financially and went to England, in hopes of going to America to build up his fortune.<sup>22</sup> He saw a chance in these Palatines. He and Mitchell acted and through Mitchell's influence they determined to plant a colony in Carolina.

They bought ten thousand acres of land between the Neuse and Cape Fear Rivers and their branches. They paid twenty shillings sterling per hundred acres and bound themselves for six pence yearly per hundred acres. In addition to this the Surveyor General was to lay off and reserve for them one hundred thousand acres of land for a period of twelve years. And when they had paid for five thousand acres at the set price one of them was to be gratified by a title. Graffenried made the purchase and was made Baron.<sup>23</sup> De Graffenried and Mitchell, having made this purchase, naturally wanted settlers for their territory so as to make it pay them. The Palatines offered themselves for speculation. The Baron and Mitchell knew that Queen Anne would help pay for their transportation to America. They mentioned it to the Queen, who was glad to help the Palatines. She not only paid for the transportation of them but also bestowed gifts to the amount of £4,000 sterling<sup>24</sup> on them. Before this, commissioners had been appointed to collect money for the aid of the Palatines. Then De Graffenried and Mitchell made an agreement with the Lord Proprietors. The result was that De Graffenried and Mitchell agreed to transport ninety-two families of the Palatines, nearly six hundred and fifty persons, with their own Swiss colonists. They paid only five and a half pounds per person for the Palatines that they transported to North Carolina, or about \$18,000.<sup>25</sup> They were also to give to each family two hundred and fifty acres of land

<sup>22</sup> *Ibid.*, p. 53.

<sup>23</sup> Williamson, p. 182.

<sup>24</sup> Vass, p. 57.

<sup>25</sup> *Ibid.*

and the first five years free from charge, but every year after the said five years the Palatines were to pay them two pence lawful money for each acre.<sup>26</sup> During the first year after their arrival they were to be furnished grain, provisions and other things for the support of life. They were to pay for this two years after their arrival. They were also to be furnished within four months after their arrival with two cows and two calves, five sows with their young, two ewe sheep and two lambs, with a male of each kind. These were to be paid for within seven years after receiving them. They were also to be furnished, gratis, tools and implements for felling trees and building houses.<sup>27</sup>

The commissioners, on their part, for the Queen agreed to give each colonist, young and old, twenty shillings sterling in clothes and money, and to pay De Graffenried and Mitchell five pounds and ten shillings a head for transportation.<sup>28</sup> The money of the poor Palatines was given to De Graffenried, and if they received any of it it was only a small portion. This agreement is dated October 1709.

In mild weather in January, 1710, after prayer they set sail for America, escorted by Read-Admiral Noris with two ships as far as the latitude of Portugal. The voyage was rough and lasted for thirteen weeks. They suffered terribly from hunger, and more than half died on the way over. At the mouth of the James River a French captain plundered one of the vessels containing the best goods.<sup>29</sup> Besides many dying on the sea a good number died from eating and drinking too much raw fruit and water after landing. Those who were left landed in Virginia, and after travelling twenty miles or more by land they arrived in the county of Albemarle on the River Chowan, at the residence of a rich settler, Thomas Pollock. He took care of them and supplied them with all necessities, for money. He sent them across the sound in boats and into the county of Bath, where they were located April or May, 1710, by the Surveyor-General, Lawson, on a tongue of land between the Neuse and

<sup>26</sup> *O. R.*, Vol. I, p. 988.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Hawks*, Vol. II, p. 87.

<sup>29</sup> *Vass*, p. 57 or *O. R.*, Vol. I, p. 909.

Trent Rivers, called Chattawka, where afterwards was founded the small city of New Bern.<sup>30</sup>

De Graffenried was not able to accompany the Palatines because he had to meet a colony of his own people of Bern. He, after picking out the best and healthiest of the Palatines, appointed three directors, who happened to be then in London and who had lived already several years in Carolina. One was a General Receiver, another General-Surveyor, the third a Justice of Peace. It is not certain that the three sailed with them, but we know that the General-Surveyor, John Lawson, came with them. Lawson, as De Graffenried says, "instead of settling these poor people every one on his own plantation, in order to gain time and enable them to clear and clean out their lands, located them in his own personal interest on part of his own lands on the southern bank of Trent River at the very hottest and most unhealthy place." Furthermore, he sold them that tongue of land between the Neuse and Trent Rivers at a heavy price when he had no claim to it.<sup>31</sup> De Graffenried had later to buy it from the Indian Chief King Taylor. On this place the Palatines remained until September, suffering from lack of food and other necessities. In fact, they were forced to sell their clothes and other things in order to sustain life.

In September 1710 De Graffenried, with his Swiss, arrived in Chattawka. As we have seen, he left London and went to New Castle, where the Swiss joined him. The Swiss were mostly from Bern. They, too, fled from religious persecution. They set sail from Holland, stopped at New Castle for De Graffenried, and according to his statement he, with the Swiss, set sail for America in June 1710, arriving in Carolina about the middle of September of the same year. They landed in Virginia where De Graffenried was offered the place of Governor of North Carolina by a few Carolinians. They took nearly the same route followed by the Palatines, stopping at Thomas Pollock's home, then on to Chattawka.

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<sup>30</sup> *C. E.*, Vol. I, p. 911.  
<sup>31</sup> *C. E.*, Vol. I, p. 910.

Immediately upon his arrival he assigned each Palatine to his portion of land, and within eighteen months they had homes built that were comfortable. He also settled Chattawka after purchasing it from the Indians. He changed the name to New Bern in honor of the birthplace of himself and Mitchell, Bern in Switzerland.

In 1713 De Graffenried left the colony and went back to Europe. He took with him not only the money entrusted to him by the commissioners for the poor Palatines, but also he either took with him or spent before he left America eight hundred pounds sterling, for which he mortgaged his lands and those of the Palatines to Colonel Thomas Pollock and his heirs. Pollock offered, after the mortgage had expired, to give back the land if De Graffenried would pay him his money, which he would not do. The Palatines were thus left on the land of someone else. In 1714, right after the Indian war, which they had endured fairly well, and had prospered to a certain extent and increased in number, they petitioned the Lord Proprietors that each family might take up four hundred acres of land and might be allowed two years to pay for it. This was granted to them.<sup>32</sup>

The Palatines and Swiss, both industrious, religious, mild of temperament, established in Carolina a new spirit of freedom and formed a new and improved society. Both of them prospered and not only lived in Craven county, but increased and expanded their settlements into Jones and Carteret counties. Descendants of these Swiss and Palatines figured greatly in the early history of North Carolina. Some of them held the leading places in public life. Others were renowned for their part in the Revolutionary War and the events leading to it. I have in mind one, Richard Cogdell, a Swiss, who held offices in the Assembly, and was a leader in the Stamp Act Riot in New Bern, 1765. Indeed, their value to the province, in either a political, religious, or social view cannot be overestimated.

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<sup>32</sup> Hawks, Vol. II, p. 88.

The Palatines and Swiss were not, however, the only settlers Craven received in the year of 1710. In this year a colony of Welsh Quakers settled below New Bern, on Clubfoot and Hancock Creeks on the south side of the Neuse. Among these were Thomas and John Lovick, later prominent men, also Roger and Evan Jones.

Some names of the Swiss and Palatines who came to Craven, on a petition to the queen, 1711,<sup>33</sup> and some are still familiar in our county of Craven and its neighbors: Eslar (now Isler), Renege, Moor (now Moore), Eiback (Hypock) our present name of Ipock, Morris, Kensey, Wallis, Gernest, Miller, Walker, Simons (our present Simmons), all German. Of the Swiss we find Coxdale (Cogdell), from whom on the maternal side descended the North Carolina branches of the families of Stanly and Badger.

### RELATIONS WITH THE INDIANS

At first the people of North Carolina were welcomed by the Indians, especially the Tuscaroras, because of the rum that they brought to them. Again the Indians and white men were gainers in each one's own opinion from the trade carried on between them. In fact the relations with the Indians were as peaceful and profitable to the whites as could have been desired until the whites alienated them. For sixty years the Indians and whites lived together without war. This was partly due to the fact that the Indians who lived on the coast were divided into many small tribes without any powerful confederacy.<sup>34</sup> On every section of the banks there was a tribe. They had a plentiful supply of sea food and did not depend as much on game for a living as the Indians farther inland. Therefore they did not realize the value of land, nor its use until after the whites had made a settlement with determination to remain in Carolina. Another reason is that at first the whites came without any forces and put themselves, in a manner, on the good will of the Indians and begged instead of demanded land. But the one fault of the white man in dealing with the

<sup>33</sup> Vass, pp. 70-71.  
<sup>34</sup> Williamson.

Indian was, as I have mentioned before, the selling of too much rum to him. In 1703 Daniels attempted to put a stop to this but with little success.<sup>35</sup>

The most powerful of all the Indian tribes which inhabited the eastern part of North Carolina was the Tuscaroras, who lived on the Taw (or Tar) and Neuse Rivers in what is now Bertie county and counties south of Albemarle, also on Pamlico River. At first they invited the whites, but soon looked on them with a bitter eye, as the whites took more and more of their lands and mistreated them in some few cases. They had in all twelve hundred men or warriors. Besides the Tuscaroras southeast of the sound were the tribes of the Neusicos, Pamlicos, Cotechneys, and (nearer the ocean) the Woccons, Maramiskeets, Matchapeengoes, Hatteras, Cores, Croatans, and Bear River Indians. The whole number of Indians able to take the field was about sixteen hundred.<sup>36</sup> The Indians who lived in Craven county were mostly the Cores, and Neuse, and a few Tuscaroras and Bear River Indians. Lawson says that owing to the plague which killed many of the Indians north of the Pamlico River, the Indians were the thickest on the Neuse, Trent and Pamlico Rivers.

As we have seen, the Indians first came in contact with the white man in 1651, when a party from below Norfolk were exploring Carolina. Next the hunters came in contact with them on the Neuse and Trent Rivers. The French in 1707 were welcomed by the Indians in Craven county, and when De Graffenried and his colonists came they received a warm reception at the hands of King Taylor and his warriors. They were met by this chief and his followers at what is now the foot of South Front Street, after exchanging greetings both parties went under two live oak trees, which were destroyed in 1841 by fire, where De Graffenried and King Taylor smoked the pipe of peace. Soon they made a treaty and De Graffenried purchased that land on which New Bern now stands from this chief. This transaction with the Indians helped to save the life of the Baron later. The Swiss and Palatines took them in trust, gave

<sup>35</sup> *Ibtd.*, p. 186.

<sup>36</sup> Hawks, Vol. II, p. 527.

them work in their homes and on their plantations and bought some of their captives for slaves. The whites of New Bern and its vicinity even took the Indians and gave them bedding at night and food when they came to obtain provisions.<sup>37</sup>

The largest portion of the white population was north of Albemarle. The other portion was to be found in and about New Bern, over the country intervening between it and Washington, and up the Pamlico around Bath, in Jones on the Trent, then part of Craven precinct or Archdale precinct, and in Carteret between New Bern and Beaufort. The Swiss and Germans remained in and around New Bern.<sup>38</sup>

Before the Swiss arrived in New Bern, Cary had started his rebellion. He made so much trouble that the governor of Virginia, Spotswood, was sent to for aid. Aid was sent and Cary was captured and sent to England. It was not destruction that Cary and his followers themselves did that made things so bad, but their influence over the Indians was one of the main causes of the Indian massacre of 1711. Cary had three prominent adherents: John Porter, Mr. Moseley, and a man named Roach. These four men really put the notion of rebellion into the minds of the Indians. Besides the influence of Cary and his adherents, there were other causes that brought on the Indian massacre. One, as De Graffenried says, was the carelessness, negligence, and lack of precaution on the part of the Carolinians. Another was the rough treatment of some of the turbulent Carolinians, who cheated the Indians in trade and wouldn't allow them to hunt near their plantations, and under that pretense took away from them their game, arms, and ammunition. They even killed an Indian. This incensed them most of all.<sup>39</sup> Another was that the Indians by this time had begun to realize that their land was being occupied more rapidly every day.

The Indians could not stand this much longer. All they wanted was a leader. They found him in the chief of the Tuscaroras. He divided the Indian into different groups, so that many settlements could be attacked at the same time. The

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<sup>37</sup> *Old Time Stories in North Carolina.*

<sup>38</sup> Hawks.

<sup>39</sup> *C. R.*, Vol. I, p. 922.

Cotechneys, who lived in what is now Green county, joined the Cores to do the work at New Bern and on the Neuse and Trent. The Maramiskeets and Matchapungees were assigned to Bath and its vicinity. The work on the Roanoke and Albemarle the Tuscaroras and Meherrins would do. The strange part about this confederacy and its intentions was that they kept them secret so that they were not known, nor was any evil suspected of them until its purpose was accomplished.

A few days before the massacre took place De Graffenried and Lawson, accompanied by a negro, started on a trip up Neuse River. They had travelled all day and it was near night when they were surrounded by a party of Indians and hurried to Catechna, King Hancock's town. Here they were cordially received by the chief, and it seems as if the three would have been liberated had it not been for a Core Indian reporting to the chief some minor insult that he had received from Lawson. Furthermore, the Indians held Lawson responsible for the coming of the whites and for their taking up the lands of the reds. Lawson and the negro were burned at the stake. De Graffenried made the reds believe that he was the King, and that his death would be avenged by other whites from across the ocean, and he reminded them also of the kindness that they had always received at the hands of the Swiss and Palatines, and that he had paid for, instead of stealing their lands. He was liberated after a stay during which he saw the Christian prisoners brought in from Pamlico, Neuse, and Trent. Before leaving he made a treaty with them which guaranteed the Swiss and Germans to be free from the Indian wars so long as they did not side with the other whites against them and so long as they treated the Indians rightly.<sup>40</sup>

On Friday, September twenty-first, a few days after the departure of Lawson and the Baron, the Indians, as they were accustomed, came into the settlements on the Pamlico, Neuse, and Trent,—only in larger numbers. The settlers did not suspect anything wrong. Just before daybreak, Saturday, September 22, 1711, the massacre began. Houses were burned,

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<sup>40</sup> *O. R.*, Vol. I, p.935.

cattle driven off, people captured and killed. In the town of New Bern it was not so bad however. The people fled, leaving their homes and goods to the Indians, yet they were not troubled as the people in the vicinity. In and around New Bern there were sixty or seventy Palatines and Swiss murdered or captured. Yet the people of New Bern were not harmed half so much as the people around Bath. This massacre lasted for three days and nights.<sup>41</sup> It must have been the past conduct of De Graffenried towards the Indians that saved New Bern, because for twenty-two weeks after the beginning of the massacre New Bern stood armless, before any real aid came to the relief of the people. Then when the colonists were on the point of starvation, the Baron went to Virginia for aid and sent to South Carolina also for aid. What provisions the colonists obtained were from the Albemarle section. South Carolina was the first to respond. Immediately after receiving the summons for aid Colonel Barnwell, under the orders of the governor, with eight-hundred reds, mostly Yamasees, and about fifty militia started for the Neuse and the Trent.<sup>42</sup> After a long and hard march they arrived on the Neuse, received orders at New Bern, and marched against the Indians with such fury that they retreated until they reached a strong fort which they had erected in the upper part of Craven county. In addition to the South Carolina troops there were two hundred Englishmen and fifty Swiss and Germans under Colonel Mitchell. Upon reaching their fort the Indians received reinforcements and made a stand to fight the white. Barnwell, however, assaulted them so furiously that they were defeated with great slaughter. Three hundred or more were killed and one hundred captured, beside the wounded. The Indians retreated into the fort and after a siege, offered to make peace, which Barnwell, to his and the colonists sorrow, accepted. Because his terms were light, the Indians renewed the war immediately. If he had not made peace, the Indians would have been completely annihilated; for Colonel Mitchell, with his fifty Swiss and Germans had raised a battery within eleven yards of the fort and mounted it with two cannon. He

<sup>41</sup> Fitch, p. 26.  
<sup>42</sup> O. R., Vol. I, p. 984.

also surrounded a portion of the palisade with combustibles and was ready to open fire when peace was made.<sup>43</sup>

The Indians did not maintain their treaty but renewed war almost immediately. Barnwell returned home, and the colonists were left in a bad situation. Tom Blunt, through the efforts of Colonel Pollock, was attached, with a few of his followers, to the white side. In the latter part of 1712 Colonel Moore arrived with aid from South Carolina. After stopping in Craven for a short time, he went to Albemarle. On the 20th of March, 1713, he laid siege to the Indian stronghold Nahuck in Green county. Here he struck them such a blow that they never recovered. Soon after this siege the Indians scattered, and in 1715 the remaining Tuscaroras left the State and went to join their kinsmen, the Iroquois.<sup>44</sup>

From 1717 the relations with Indians in Craven county were merely those of master and slave, in fact, very few remained in the county. Craven, in the French and Indian War, however, furnished her share of the militia which went to help Washington, under Waddell and Innes, but which was sent back by the governor of Virginia.

The results of the Indian massacre and war of 1711 to 1713 were that the colonists in Craven were captured or driven from their homes, to which some returned. Most of their stock, provisions, and homes were destroyed. Indeed, it was a great discouragement to the young colonists. However, they stood it and were pleased when, by a petition, they received lands of their own.

After they became settled and had schools for their children, they attempted with some success to educate and Christianize their old enemies, the Indians.

## RELIGION

The first inhabitants of Craven county were, as we have seen, only the hunter and straggling parties of Englishmen from Virginia and New England. Their aim in coming to North Car-

<sup>43</sup> Hawks, Vol. II, p. 589.  
<sup>44</sup> *Ibid.*, 549.

olina was partly religious freedom. But, they did not bring with them ministers, and after remaining in the changed surroundings for a number of years they lost all of their former rites and worshipped God in their own way. A minister in Carolina was regarded with as much curiosity as we would regard an infidel today. These people who first came to Carolina were, before coming, Puritans, Quakers, and other dissenters.

In 1707 the first real religious settlers came to Craven county, the second such group that came to North Carolina. They were the French Protestants, who had fled from France for the one purpose of freedom of worship. They were of the Calvinist faith. They brought with them their minister, Claude Philippe de Richebourg. They were allowed at first the same privileges as the English, but soon the English became jealous of them and of their right to vote. This right was then taken away from them. They were religious and attempted to Christianize the Indians with some success.

The next settlers to come into Craven county were the Swiss and the Palatines. These came also for the purpose of religious freedom, they belonged to the reformed Church of Calvinists, and part of them were doubtless Lutherans. They were stout Christians. Therefore, in Craven county there were three groups of colonists, including the Swiss, who were of the Reformed Church, who were firm believers in the church and in Protestantism, while no other precinct or county had more than one. Therefore, Craven county was settled by more people of the church than any other county. It was the center of religion as it was the center of education and wealth, as we shall see later. During the colonial period there were many other colonists who came and settled in Craven. These were English, and a group of Germans in 1732.

As we have seen, the Proprietors promised freedom of worship to all settlers and the king promised toleration to all dissenters. Again, we have seen that the Proprietors desired to establish the English Church in Carolina, and some of the gov-

ernors attempted to carry out the desires of the Proprietors. In order to do this more easily, by the Vestry Act of 1705,<sup>45</sup> the province was divided into nine parishes. In 1701 it had been divided into precincts. Craven lay in St. Thomas parish. In 1705 Archdale parish was made, which included the whole of Craven county.<sup>46</sup> But since there were but few inhabitants in the Archdale parish, no steps were taken towards the establishment of the church. In 1715, owing to the rapid growth of the province in population, it was again divided by a new Vestry Act. Archdale precinct became Craven parish, which contained the territory around the Neuse and Trent, and to this all the southern settlements of the province were assigned, "Until further divisions were made." This time, by the Act, twelve vestrymen and a minister were appointed for each parish.<sup>47</sup>

CAVEN VESTRYMEN

Col Tom Brice	Richard Graves	Thomas Smith
Major Wm. Hancock	Daniel McFarlin	Jos. Bell
John Nelson	John Smith	Martin Frank
John Slocumb	John MacKey	Jacob Sheets

These laymen were bound under oath and penalty according to the laws of England for vestrymen in that kingdom. Each one was also required to subscribe to a declaration that it was not lawful on "any pretense whatsoever to take up arms against the king," and "not oppugn the liturgy of the Church of England as it is by law established." These vestrymen, having thus qualified themselves to act, chose from their number two to act as wardens for a year. The statute enjoined the laymen to do their best to get good ministers, and authorized them by a tax per poll, not to exceed five shillings each on every taxable in the parish, to raise for the minister a salary of at least fifty pounds annually. But there was a proviso, that to entitle himself to his salary, he, the minister, should reside in his parish and not be absent over six Sundays, without a leave, in a year. He also had to perform all marriage ceremonies in the parish.<sup>48</sup>

<sup>45</sup> DeRosset, *Church Hist. of North Carolina*, p. 162.

<sup>46</sup> *O. R.*, Vol. XXIII, p. 6.

<sup>47</sup> *O. R.*, Vol. XXIII, p. 6.

<sup>48</sup> Hawks, Vol. II, p. 170.

These two acts were not the only two acts passed to fasten on an unwilling people, by effective legislation, an Episcopal establishment with an adequate support by taxation. Other acts were passed in 1715, 1741, 1754, 1759, 1764-65. Taxes were imposed for purchasing ample glebes, building comfortable churches, and paying stipends to ministers, all of the establishment.

At first there were two classes who did not go by these laws: Quakers, to whom nothing at first was done, were allowed to hold meetings, but on account of oath these were kept from holding public office. Soon however, these were made to pay church taxes and to comply with the other laws. Protestant dissenters who came from England or the colonies in North Carolina were permitted to hold meetings, if in public, to be subject to all the English statutes touching the toleration of dissenters in the mother country. They were, however, in a short time deprived of the right of holding meetings, or of organizing.

There were many different sects in Craven county. First were the Puritans, who came, as before stated, from England, and also a large number from New Jersey. They came from 1707 steadily until after the war. Yet, they were never organized or established in the county. The next were the Quakers. The first large settlement of these came in 1710. They did not organize, but were "God-fearing" Quakers. They were persecuted by being kept out of office, and, by all calamities that befell the province being laid to the Quakers as the people responsible. Presbyterians were strong in Craven. The French were the first Presbyterians in the county, and some of the Swiss believed with them. This sect was strengthened by the Scotch-Irish who wandered, few in number, into Craven county. They did not have a church, but attended services with any denomination. They were moderate, industrious, and progressive, especially in education. On Christmas eve, 1739, Rev. George Whitefield arrived in New Bern. He preached there in the court house a sermon that made the congregation melt in tears. He was much grieved at the encouragement of dancing by the

ministers there. In November, 1764, he again visited New Bern. Here he met with what were called New Lights, or Presbyterians, in great numbers.<sup>49</sup> They were in the lead in number in 1765 and were strong during the whole colonial period. There were many Methodists in the county, but not organized. After New Bern was in a district and visited by Methodist preachers, about 1773, this sect increased rapidly. James Reed, the minister of the Established Church, says in a letter that he is trying to keep the Methodists down but meeting with little success. He also said that the greater part of the dissenters came from the North, and that they tried to run down the English Church. This was about 1763. The Methodists were of the more ignorant class. They did not organize until after the war. Catholics were few in number. In fact, there were not over ten in the whole county.<sup>50</sup> The Baptists came early in Craven county, and were strong. In 1740 they organized and asked permission, in the form of a petition, to be allowed to build a church in New Bern. This request was granted, but Purefoy and Slede were imprisoned for presenting a petition to the court.<sup>51</sup> But more probably they were imprisoned for charges of unlawfulness that had been before this time presented against them. This act was the only one of its kind in North Carolina,<sup>52</sup> upheld by the Toleration Act, intended for the punishment of the Catholics. The Baptists were, however, severely persecuted in Craven county but they increased all the more from it. They did not build a church until after 1776.

The Established, English or Episcopal Church was, as we have seen, supported by taxation. This was the only sect in Craven county who were really organized and had a church. From 1701-76 this church or religion, by the different Acts before mentioned was forced upon the people. By the Act of 1740 a tax of one shilling and six pence was laid on each taxable in Craven parish.<sup>53</sup> Their church was not completed until 1751 or later. The first minister of the English Church that I can find

<sup>49</sup> Vass, p. 79.

<sup>50</sup> *C. R.*, Vol. VI, p. 265.

<sup>51</sup> Vass, p. 88.

<sup>52</sup> DeRossett, or Ashe, Vol. I.

<sup>53</sup> *C. R.*, Vol. XXIII, p. 141.

any trace of was the Rev. John Lapierre, who was ousted from New Hanover by Mr. Marsden. He went to New Bern about 1735 and remained until his death in 1755.<sup>54</sup> He was not engaged as a minister there by the laymen, although it is probable that he held meetings. This is proven by an Act of 1741<sup>55</sup> which enabled the laymen to spend the minister's salary on the church since they had not employed a minister.<sup>56</sup> By the Act preceding Craven county was made a parish with the name of "Christ Church parish." In 1753 the Rev. James Reed, who was a man of fine character, who was interested in the preaching of the gospel to the people, who did more than any other man in Craven county towards the establishment of the public school, especially the New Bern Academy, who in every way tried to help the progress of Craven county, came and settled in New Bern. Here, during the same year, he preached in the church every evening and at several of his chapels in the county. The vestrymen liked him so well that in 1754 they made an agreement with him, which was passed by the Assembly. This agreement provided for the payment of a salary of one hundred and thirty-three pounds, six shillings, and eight pence proclamation money to him annually, so long as he continued to hold services at New Bern and to attend the several chapels (which were eight) in the county, according to the terms of said agreement.<sup>57</sup> Mr. Reed remained in Craven county until his death, which was after the Revolution. During this time he did much towards establishing the people in the faith of the English Church. The people of Craven county did appreciate him and his work, and showed it by getting the Assembly to give him a fixed salary and by building for him a parsonage.<sup>58</sup> Indeed, he was the best minister in the province and fared better than any other.

The first members of the English Church in Craven county were some of the English from Virginia, the next were the Palatines and Swiss, who in belief were Lutherans and Calvinists, but as soon as settling in North Carolina applied to the Bishop

<sup>54</sup> *Ibid.*, p. 865.

<sup>55</sup> DeRosset, p. 69.

<sup>56</sup> *S. R.*, Vol. XXIII, p. 182.

<sup>57</sup> *S. R.*, Vol. XXIII, p. 420.

<sup>58</sup> *C. R.*, Vol. I, p. 756.

of London to allow them to be received into his church. And De Graffenried hoped that they would behave themselves as dutiful patrons of the English Church.<sup>58</sup> This sect was increased by Englishmen who steadily came into the county from after the massacre until the war. It was, in Craven county, the ruling church, but only by being forced upon the people. For, as we have seen, the New Lights or Presbyterians were in the lead there.

On the whole the religious conditions of the county were excellent in comparison with the other counties. Mr. Reed, in a letter to the secretary, dated June 26, 1760, said that he estimated that there were in the whole county about a thousand infidels and heathen and that the negroes were for the most part heathen.<sup>59</sup>

### EDUCATION

The first people who came to Craven were not educated. They had only the education gained by all early pioneers. The French, German, and Swiss were more of the class of laboring people than of educated noblemen. They were indeed the most educated people in North Carolina at that time. They had educated ministers with them, and they were apt and quick to learn when the opportunity for study offered itself. We have no proof, but judging by the character of the people, and their purpose in coming to America, we are convinced that some steps were quickly, after settling, taken towards preparing schools for the children.

Craven county soon became the center of learning of the province, when New Bern was made the capital. Then the most learned people moved to Craven. Again, the people of Craven county were wealthy and hired private teachers for their children when they were young. When the boy was well enough fitted he was sent off to college, abroad or in the other colonies. The greater part of the boys who went to college from Craven entered Princeton.

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<sup>58</sup> *O. R.*, Vol. VI, p. 265.

In spite of Craven being the center of learning of the province, we do not find any efforts for a public school until 1764 on record. Yet, it is improbable to think that there were not some public schools in the province, because we hear every once in a while of the particular pains taken in educating the negro and Indian in Craven county. In 1764 we find the first public school. Rev. Mr. Reed wrote a letter, dated June 21, 1764, with this extract concerning the school at New Bern: "We have now the prospect of a very flourishing school in the town of New Bern, one which has been greatly wanted. In December Mr. Tomlinson, a young man who had kept a school in the county of Cumberland in England, came here at the invitation of his brother, an inhabitant of this parish. On the first of January he opened school in this county and immediately got as many scholars as he could instruct, and many more have lately offered than he can possibly take to do them justice. He has, therefore, sent to his friends in England to send him an assistant, and a subscription for a school house has been carried on with success. I have notes on hand payable to myself for upwards of two hundred pounds currency (120 lbs. sterling) to build a large and commodious schoolhouse in New Bern."<sup>60</sup>

In 1764 the Assembly passed an Act allowing a school house to be built in New Bern by a subscription of private citizens. This subscription was taken up by Mr. Reed, who was one of the most earnest promoters of the school. He first received the promise of the money and had great difficulty collecting it later. In May, 1765, a petition, signed by Mr. Reed, and thirty-nine principal inhabitants of New Bern and the vicinity, was sent to Governor Tryon, requesting him to represent to the Society for the Propagation of the Gospel the earnest desire of the petitioners that the Society would assist them by granting Mr. Tomlinson an annual stipend, in order that he might be able to continue in New Bern and instruct their children, "in such branches of useful learning as are necessary in several of the offices and stations in life, and imprint on their tender minds the principles of the Christian religion agreeable to the Estab-

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<sup>60</sup> C. R., Vol I, p. 1,048.

lished Church of England." The memorial is signed by the following names: James Reed, missionary, Thos. C. Howard, Samuel Cornell, John Williams, Richard Cogdell, James Davis, Peter Cornwell, John Clitherall, Jacob Blunt, Richard Ellis, John Franck, Thos. Pollock, Bernard Parkinson, Wm. Wilton, Christ. Neale, Thos. Sitgreaves, Corn. Grosnendeyk, Jno. Green, John Fonville, Longfield Cox and many others.<sup>61</sup>

Governor Tryon forwarded this petition to the Society with his hearty approval, giving Mr. Tomlinson a high character. The Society granted him a yearly stipend of ten pounds at first, and later fifteen. Before this, he had been receiving from his thirty students sixty pounds sterling all told annually.<sup>62</sup>

The property of the school building was taken from the church which was changed for a lot better situated on the corner of Pollock and Craven Streets. There was probably only one building used as school house and residence of the instructor.<sup>63</sup> The building was started in 1765, and in 1766 we find a letter of Mr. Reed to the secretary of the Society that the building is going on slowly. In July of the same year, he writes that the house has been closed in and that the slow progress is due to the lack of money, men, and materials,—money particularly. The floors were still to be laid and the chimney to be built. That the work might not stop at this stage he drew upon the treasurer of the Society for his salary for the preceding half year, and sent the draft to New York to buy bricks for the chimney. Besides that, he made every attempt to raise more money by subscriptions.

The school house when completed was a frame structure forty-five feet long and thirty feet wide. It is probable that Mr. Tomlinson moved into this building the last of 1766 or the beginning of 1767. The school was incorporated by an Act of the Assembly in 1766.<sup>64</sup> The Act directed that the subscribers of the Academy Fund should hold a meeting on the first Tuesday in April, 1767, when they should elect eleven men of their

<sup>61</sup> DeRossett, *Church History*, pp. 172-3.

<sup>62</sup> *C. R.*, Vol. VII, p. 98.

<sup>63</sup> DeRossett, p. 172.

<sup>64</sup> Moore, p. 44.

number to form a board of trustees. These trustees, when thus elected, were to constitute a closed corporation to hold the property of the school and to manage its affairs under the name and style of the "Incorporated Society for Promoting and Establishing the Public School in New Bern." The second section provides that the master shall be a member of the Episcopal Church, chosen by the trustees and licensed by the governor.

The Act further provides for an extra tax on distilled spirits of one penny per gallon on all imported into the Neuse and Trent Rivers, for the purpose of the support of the school at New Bern.<sup>65</sup> The main object of this special tax was to pay Mr. Tomlinson twenty pounds yearly towards the salary of an assistant teacher. This Act was continued in force for seven years. In consideration for the revenue thus granted to the school ten poor children, whose parents were unable to pay their tuition, should be nominated by the trustees and these children were to receive the benefits of the school free of charge. This is the only public provision ever made for the school. In 1768 Mr. Reed estimated that this duty on spirits would yield an annual income of sixty pounds, which would be sufficient to pay Mr. Tomlinson twenty pounds towards the salary of his assistant and also to supply during the seven years of his continuance a fund which would pay off all indebtedness of the trustees and enable them to complete the building.<sup>66</sup> Besides this revenue the trustees received from the Assembly twenty pounds to hold their meetings in a room of the school building. From 1769 to 1771 they received forty pounds annually from the same source.<sup>67</sup> Also there was another small income available for the purposes of the school. There were two half cut off lots from the church yard which were leased out for twenty-one years and constituted the beginning of a fund intended for the permanent endowment of the Academy. All this revenue for the school amounted to more than was expected. In March, 1772, Mr. Reed sent the following account of the income and expense of the school for the preceding three years:

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<sup>65</sup> *O. R.*, Vol. VII, p. 443.  
<sup>66</sup> DeRossett, p. 175.  
<sup>67</sup> *Ibid.*, p. 176.

Cr.

By net proceeds for duty on liquors .....	£ 247,11, 4
Rent of school chamber by Assembly .....	£ 100,00, 0
Ground rent, first payment 1771 .....	£ 19,10, 0
	_____
	£ 367,01, 4
Annual Income.....	£ 122,07, 1

Dr.

To assistant master .....	£ 20,00, 0
Poor scholars, ten at £4 .....	£ 40,00, 0
Books, paper, and firewood .....	£ 10,00, 0
	_____
Total .....	£ 70,00, 0
Balance for repairs .....	£ 52,07, 1
	_____

Expense .....

This revenue was allowed by the Assembly in payment for the good the public received from the school.

This school was the first of its kind in the colony, and the first school house established in the province by legislative authority. This school was kept open for many years after the war. But the school lost its first teacher, Mr. Tomlinson, by an act of injustice on the part of the trustees. Mr. Reed, in several letters, took the part of the instructor. He had been an admirable teacher and master of the school, according to Mr. Reed, but he believed in making the students behave and study and when they did not do this he used the only known method of compelling them to do so,—that was the switch. This offended the parents of some of the students, who were members of the board of trustees. These, according to Mr. Tomlinson, stopped his pay and he had to sue for it. The trustees discharged him, but Mr. Parrott, who was to succeed him, refused to accept the place after learning how Mr. Tomlinson had been treated, and so Mr. Tomlinson kept the school until he voluntarily retired. His retirement, according to his own letters, was caused by the action of the trustees. During the year of 1772 he left New Bern and removed to Rhode Island. Not only did Mr. Reed take sides with Tomlinson, but also Governor Martin went so far as to say that he wished that the Act incorporating the trustees would

be repealed for their conduct.<sup>68</sup> The people of New Bern and its vicinity drove away one of their best citizens.

De Rossett says: "Mr. Tomlinson must be placed at the head of the line of professional teachers whose work has gone into the history of North Carolina. There had been ministers, before his day, or contemporary with him, who, acting also as school teachers, had done and were doing an incalculable work for the State, which was to be in training to guide and govern it in its development to wealth and power, but so far as the writer is informed, Mr. Tomlinson was the first professional teacher who had under his training a large element of the youth of the colony. New Bern and the district about it were fruitful of men of eminence and of influence in the end of the eighteenth and the beginning of the nineteenth centuries. Many of these must have laid the foundation of their intellectual and moral training in the New Bern Academy between the years 1764 and 1772, while Mr. Tomlinson presided as master."<sup>69</sup> Governor Tryon said of Mr. Tomlinson that he was the only man in the county who was a true professional school teacher. Not only was Mr. Tomlinson a great professional character in his business, but a good member of society. When North Carolina lost him it lost one of its greatest benefactors.

The New Bern Academy was established and managed according to the orders of the Church of England. The minister was the main founder of it. Mr. James Reed and the master were compelled to be members of the English Church. Yet, the people did not look upon it with any prejudice because it was a church school. This fact is shown by the names of the most prominent men of the province and county being on the list of subscribers, also as trustees and as petitioners for the salary given to Mr. Tomlinson by the Society. Again, the children of the most prominent men in the province attended school there under Mr. Tomlinson and his assistant, Mr. James McCartney. In fact, this school had the hearty support of all the people of North Carolina.

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<sup>68</sup> DeRossett, p. 176.

<sup>69</sup> *Ibid.*, p. 177.

This school established in New Bern in 1764 has had more influence upon the history of the early state of North Carolina than any other institution save the University. It is a fact that the leading men of the State from 1790 to 1835 came from the eastern part around New Bern, Cape Fear, and Edenton. The majority of these men received the foundation of their training at the New Bern Academy. Too little space is given in history to that mother of schools in North Carolina.

### TRYON

#### INCLUDING A BRIEF SKETCH OF REGULATION MOVEMENT AS FAR AS IT CONCERNED CRAVEN COUNTY

In 1764 Governor Dobbs, failing in health, was relieved of his more active duties of office, they being placed upon William Tryon, who was made lieutenant-governor of North Carolina. But Governor Dobbs never left Carolina, as he intended, for in the spring of 1765 he died, and Tryon was made temporary governor of the colony until the fall. At this time he was made permanent governor by the king. He first lived in Brunswick, but later, after having his palace built in New Bern, lived there during the remainder of his stay in North Carolina.

Tryon as a man is well described by Fitch, thus: "Tryon was a soldier by profession and looked upon the sword as the true sceptre of the government. He knew when to flatter and when to threaten; he knew when discretion was the better part of valor, and when to use such force and cruelty as achieved for him from the Cherokee Indians the bloody title of 'The Great Wolf of North Carolina.' He could use courtesy towards the assembly room when he desired large appropriations for his palace; and he knew how to bring to bear blandishments of the female society of his family, and all the appliances of generous hospitality. Indeed, he did know how to bring to bear blandishments of the female society of his family."<sup>70</sup> It is said and believed by many people that his wife and her sister, Miss Wake,

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<sup>70</sup> Fitch, p. 80.

who made her home with the governor, helped and advised him in all his plans, either social or political. Mrs. Tryon and her sisters are spoken of by all the older historians as being charming and entertaining ladies.<sup>71</sup> Anyway, they had a great deal of influence over the governor, and over the social circles of the capital of the province. Miss Wake was honored by the people of Carolina by their giving her name to one of the now metropolitan counties of North Carolina. The name of the county of Tryon was changed after the Revolutionary War, but Wake county is still a memorial to his sister-in-law.

Tryon, with all the good influences around him, denied the western counties their rights. Dr. Williamson says it was a good thing for the western counties that Tryon was not bigoted. He was not an ideal governor, but he was undoubtedly the best governor who had ruled the province up to this time and up to the War of Independence. He did punish the western counties for the failure of officers to do their duty. But despite that he did more for the province than anyone before him. He was one of the main advocates for the establishment of the public school in New Bern, and partly through his efforts the Assembly chartered the Academy in 1766. He also sent several petitions to the Society for the aid of the church and schools in the province. It was indeed his misfortune that he had, in order to keep his governorship, to collect taxes, to enforce the navigation acts, and to press the Stamp Act upon the people.

The one thing that he cannot be excused of is his attitude toward the regulators. He allowed them representatives in the Assembly until Herman Husband, the representative from Orange county, when asked why his people did not pay their taxes, threw the tax money on the table before the governor and remarked: "I brought it to keep it from dwindling, seeing that when passing through so many fingers it, like a cake of soap, grows less at each handling." Tryon eyed him, and after the disapproval of his council, had Chief Justice Howard, who was a member of the council, to issue a warrant for his apprehension, and had him placed in the jail at New Bern where he was con-

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<sup>71</sup> Moore, p. 41.

fined for a few days. He was released only when the governor heard that two hundred regulators had crossed Haw River and were marching to New Bern to free him.<sup>72</sup> In fact, the governor had fortifications erected and Colonel Leach with his troops placed in the trenches to protect New Bern from the Regulators. Tryon, in order to have a secure hold on him, brought an indictment against him that he might have him tried in New Bern by a grand jury of the New Bern precinct. This jury failed to find a bill against Husband and he was dismissed. Even though the governor used his greatest energy against him, and, for the purpose of turning the people of the east,—especially Craven,—against the Regulators, it took him from April, 1769, to February, 1771, to find a jury who returned a true bill against Husband.<sup>73</sup>

Again, the existing conditions in each part were different without any communication. Tryon, the hater of the Regulators, lived in the east and practically controlled many of the leaders. The people of Craven county were not expected to show sympathy for the people of the west, since Tryon lived in the east. Yet besides the refusal to find a true bill against Husband by the people of New Bern district, the militia of Craven county for three days refused to march against him. Tryon, speaking of the Craven militia, said that the militia was not to be relied upon.<sup>74</sup> In 1770 Tryon started his campaign against the Regulators in earnest. The militia of Craven and Beaufort under Leach formed the right wing of the front. Craven in all had four companies of infantry and one of artillery. These played a conspicuous part in the whole campaign of Tryon. Several members of the militia from Craven county were killed in the battle of Alamance. One officer that was killed there was ensign William Bryan, of Craven county.

#### TRYON'S PALACE

On November 24, 1766, the Assembly passed a bill for the erection of a convenient building within the town of New Bern for the residence of the governor and commander-in-chief for the

<sup>72</sup> *C. R.*, Vol. VIII, p. 500.

<sup>73</sup> *Ibid.*, p. iv.

<sup>74</sup> *C. R.*, Vol. VIII, p. 546.

time being.<sup>75</sup> This bill was said to have been suggested by the king first, but Tryon was the main power that pushed it through the Assembly with the aid of his friends and relations. The execution of the bill was put under his orders and directions solely.<sup>76</sup> The governor's tastes and desires for luxury were paid for by the collection of almost intolerable taxes from the people of the province, who had few resources and less money. The building of the palace had many results. First, it made the people of both the east and west look upon Tryon as a man seeking only self-elevation, and caused them to complain bitterly against the taxes. This was the first step that led the people to revolt so soon against the undue oppression of the king. It was a great thing for New Bern and Craven county because it brought the officials of the province into the county and made the social circles of Craven the best in the province. Again, it brought trade to New Bern and put some little money into circulation. Also, it helped to make Tryon known to all America.

Tryon estimated that it would cost about £14,710, but when the building was completed it was at an expense of £17,845 besides the furniture. When it was finished and the governor moved in, it had cost the people of North Carolina at least £20,000,—or \$100,000. Tryon procured John Hawkes to superintend the construction of it. He had come to America with Tryon and was a near relative to the Dr. Hawks, historian, who lived in New Bern.<sup>77</sup> Skilled artisans came from Philadelphia to do the work. The work on the mansion began August 26, 1767. In December Tryon reported that the work was being steadily pushed ahead for completion. And in October, 1770, it was completed and the governor moved in. In January the public records were moved into the palace.<sup>78</sup>

It was situated on a square of six acres condemned land bounded by Eden, Metcalf, and Pollock Streets and Trent River.<sup>79</sup> The present George Street was part of the walk that led to the main building.

<sup>75</sup> *Ibid.*, Vol. VII, p. 820.

<sup>76</sup> *Ibid.*, p. 266.

<sup>77</sup> Haywood, 64.

<sup>78</sup> *C. R.*, Vol. VII, p. 695.

<sup>79</sup> Vass, p. 90.

Almost all the material came from England, especially bricks and prepared material. Even the plumbers and their lead to the amount of eight tons came from London.<sup>80</sup>

The contract that was made called for a two-story main building, but by the authority of some one it was made a three-story one, eighty-seven feet high in front, and fifty-nine feet wide. This main building was the governor's headquarters, the right wing a two-story building of some expensive material and workmanship was the secretary's office. The left wing resembling the right in every particular was the servant's headquarters. The three buildings were connected by covered colonnades, of five columns each. "Between the two wings in front of the main building was a handsome court. The rear of the building was finished in the style of the Mansion House in London.<sup>81</sup> The ends of the buildings were beautifully decorated; with statues, and other work of sculpture. Marble from Italy was not spared, because of price, but used freely. The ball room was not forgotten, because it was there that Tryon, as Maurice Moore says, acted too much like a ruler. In the council chamber there was a handsomely-designed chimney piece, containing decorations of Ionic statuary, with columns of Sienna, the fretwork of frieze being also inlaid with the latter material. In addition to this, and above the whole, were richly ornamental marble tablets, on which were the medallions of King George and his queen.<sup>82</sup>

Over the door of antechamber was a Latin verse showing that it was dedicated to Sir William Draper, in translation by Martin Means; it read:

"In the reign of a monarch, who goodness disclosed,  
A free happy people, to dread tyrants opposed,  
Have to virtue and merit erected this dome;  
May the owner and household make the loved home,  
Where religion, the arts and laws may invite,  
Future ages to live in sweet peace and delight."<sup>83</sup>

<sup>80</sup> *C. R.*, Vol. VIII. pp. 7-8.

<sup>81</sup> *Vass*, p. 91.

<sup>82</sup> *Haywood*, p. 65.

<sup>83</sup> *Ibid.*

The main part and left wing were burned in 1798. The right wing remains today, and is used as a residence by a family named Duffy.

This palace was by far the most splendid in North America, and if we can believe the unfortunate General Don Francisco de Miranda, of South America, who visited the edifice in 1783, in company of Judge Martin, there was not one in South America which could come up with it. He said: "Even in South America, a land of palaces, it has no equal."<sup>84</sup> Tryon only enjoyed his mansion a year when he went to New York.

### NEW BERN

New Bern, the county seat of Craven county and the capital of the province for many years was the largest town in North Carolina up until the war and afterwards. In 1777, Mr. Watson on his journey passed through New Bern said then there were about a hundred and fifty houses. In 1796 Mr. Winterbothan says, "New Bern is the largest town in the State. It contains about four hundred houses all built of wood save the palace, jail, church and two residences. . . . The Episcopal Church is a small brick building with a bell."<sup>85</sup>

New Bern is thought to have been laid off in May or June, 1710, by Colonel Thomas Pollock and John Lawson. It is situated on a neck of land at the confluence of the Neuse and Trent Rivers. It is bounded on one side by the Neuse and on the other by the Trent, and on the back by Jack Smith Creek. The place was formerly called Chattawka from the Indians who lived there and who were in alliance with the Tuscaroras, with whom, in 1715, they went to New York.<sup>86</sup> De Graffenried purchased it from King Taylor and changed the name to New Bern in honor of his and Mitchell's birthplace. For the first year it seems that things went well with New Bern, other settlers besides the Swiss and Palatines, chiefly English, settled there and there was a decided step forward in prosperity.<sup>87</sup> The people of New Bern

<sup>84</sup> Fitch, p. 45.

<sup>85</sup> Winterbothan History of N. C., Vol. III, p. 199.

<sup>86</sup> North Carolina Booklet, Vol. I, p. 12.

<sup>87</sup> *Ibid.*

received a severe blow by the Indian massacre of 1711, but recovered. In 1714 De Graffenried mortgaged the land on which New Bern stands to Thomas Pollock for the sum of eight hundred pounds. Pollock willed it to his son Cullen.<sup>88</sup> As soon as De Graffenried mortgaged his land he left for England, leaving the colony in a bad condition. The colonists were sorry to see him leave but the town which he had founded did not languish under the new regime. Houses were built, streets were laid off and fields cleared, soon houses stretched from one river to the other.

In 1723 New Bern was fixed as seat of Craven precinct and a bill passed the Assembly for the building of a court house there. In 1723 New Bern was incorporated as the third town in the province and was really the only town, since, as Dr. Hawks says, Bath was only a hamlet and Edenton was smaller than it.

In 1729 New Bern remained the county seat. In 1736 the quit rents of both Craven and Carteret counties were paid at New Bern in gold or silver.<sup>89</sup> New Bern was the seat of all courts, the supreme court of Craven, Carteret, Johnston, Beaufort and Hyde. The Court of Chancery was held in New Bern on the first Tuesday in December and June. This was started in 1736 by Governor Johnston. The courts of Oyer and Terminer were held there also on the third Tuesday in April and October. It was there that the land office was kept open for three weeks so that the governor could listen to and settle land disputes.

In a letter of Governor Johnston, dated 1763, he says, "But I hope we shall be more regular for the future, for in a recent Assembly held at Wilmington I have got a law passed for fixing the seat of government at New Bern, and a tax for a public building."<sup>90</sup> Before the passage of this bill the Assembly and courts had been held at Edenton, near the border of Virginia, while the representatives were mostly from Cape Fear section. The governor attended several of the meetings but he could not force the majority of the council to leave

<sup>88</sup> *C. R.*, Vol. IV, p. 186.  
<sup>89</sup> *Ibid.*, 844.

their business and plantations for three times a year and travel backward and forward twelve hundred miles when they had neither salary nor reward for so doing. This was the main reason why he got the law passed at Wilmington for fixing the General Assembly and courts at New Bern, the center of the province. The passage of this bill caused a disturbance in several places.<sup>91</sup> Bath, Wilmington, and Edenton all were jealous of New Bern. Each wanted to be the capital of the province.

The Assembly met for the first time in New Bern in 1736 and continued to meet there until about 1749.

New Bern flourished while it was the capital, many rich merchants lived there. The best people of the province moved there. Trade increased and the town grew at a rapid rate. But as soon as the public business was carried away complaints were heard among its people which is shown by an extract from a letter by John Campbell to Richard Cogdell of New Bern dated 1761.<sup>92</sup>

“The account of the dullness of your town and business in it I am sorry for, but the thinking people in it and about it must thank themselves who drove away the government officers. These people could not bear a little flow of money, but grew so proud and insolent. They will feel the reverse and now may reflect on themselves when too late.”

It is true that the people of New Bern did not take the interest they should have in preparing for the officers. Governor Johnston says in a letter dated December 28, 1748, “One mighty inconvenience we have to struggle with at present is that nobody cares to lay in provisions for man or horse at New Bern though it is the most fruitful and central part of the province, such pains are taken to assure the people that the seat of government will be removed, when they get five members restored, but no one cares for advancing money to entertain the public, so that in a fortnight or three weeks’ time we are obliged to separate for want of the necessities of life. Things would soon take another change if this point was determined.”<sup>93</sup> The inhabitants

<sup>91</sup> *C. R.*, Vol. IV, p. 1086.

<sup>92</sup> *Ibid.*, p. 844.

<sup>93</sup> *C. R.*, Vol. 4, p. 1166.

of New Bern did not realize what was the benefit of being the capital until it was removed, which took place between 1746 and 1750. Between 1750 and 1762 the Assembly was held in no special town. When Dobbs became governor he appointed Tower Hill on the Neuse as capital in 1758. The people petitioned the king to make New Bern capital again because it was more central, better located and had better navigation facilities than Tower Hill.<sup>94</sup> Yet some people objected to having it for capital because of its hot climate and unhealthy atmosphere. Finally in 1766 New Bern was selected as the permanent capital of North Carolina and the palace was built there.<sup>95</sup>

The effects of the capital being moved there were immediately felt. In 1767 we have a report which says that trade was increasing rapidly.<sup>96</sup> In 1772, two years after the palace was completed, Tryon says, "New Bern is growing rapidly into significance in spite of the great natural difficulties of the navigation leading to it, and its importance, I hope, will become greater as the spirit of improvement."<sup>97</sup> New Bern had a large trade, its harbor was always full of boats or vessels from Virginia, Bermuda and the West Indies and New England. It exported great quantities of tar, pitch, turpentine and other naval supplies direct to England, also large quantities of corn, beeswax, hams, and deerskins were shipped from New Bern.<sup>98</sup> New Bern was on a post road which began at Suffolk, Virginia, came down by Roanoke, Pamlico River, Bath, through New Bern on to South Carolina by New River, Wilmington and Brunswick. Thirty-eight miles of this route was in Mr. James Davis' charge for mails. For his service he received annually one hundred and six pounds, six shillings and eight pence.

On August 15, 1769, a terrible storm struck New Bern. The banks of the rivers were washed down, warehouses were smashed open and their goods floated away. Some three persons were killed. One man, describing it to a friend, says: "New Bern is really now a spectacle, her streets full of the tops of houses,

<sup>94</sup> *Ibid.*, Vol. 6, p. 875.

<sup>95</sup> *Ibid.*, Vol. 7, p. 44.

<sup>96</sup> *Ibid.*, p. 499.

<sup>97</sup> *Ibid.*, Vol. 9, p. 281.

<sup>98</sup> *Vaas*, p. 89.

timbers, shingles, dry goods, barrels, and hogsheads, most of them empty rubbish, in so much you can hardly pass along,—a few days ago so flourishing.”<sup>99</sup> Crops, cattle, sheep, hogs, were washed away and destroyed. There was no place on the coast that suffered like New Bern. One entire street was destroyed. The printing office of Mr. James Davis was destroyed with all the type, papers, and what money he had. New Bern was not able to pay the expenses of this storm for a while, but soon caught up and surpassed her former position.

New Bern besides her commercial business had other businesses, namely, manufacturing. In 1772 Mr. Richard Graham set up a pot and pearlash factory which helped New Bern greatly. In 1775 New Bern had one of the only two rum distilleries in North Carolina, it turned out annually two hundred hogsheads of rum, made from molasses. The other one was at Wilmington and had a capacity of five hundreds hogsheads annually.<sup>100</sup>

New Bern was not only the largest town in the province, the seat of the government, the great commercial and manufacturing town, but also the seat of the best education, religion, and social circle of the province.

In 1767 the New Bern Academy was chartered, which was in New Bern, and the first of its kind in the province. Also there were several private schools there.

The social circle of New Bern was composed of the government officials, rich merchants and the wealthiest people of the province.

The people of New Bern were as we shall see ready to rebel against unjust oppression. Here happened in 1765 the New Bern Stamp Act Riot. In 1775 the people seized the guns from the palace court. And in 1775 the first two provincial congresses were held there. New Bern indeed played a great part in the history of Craven county, of North Carolina, both before and after the War of Independence.

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<sup>99</sup> *C. R.*, Vol. VIII, p. 74.  
<sup>100</sup> *O. R.*, Vol. VIII, pp. 1, 4.

### PEOPLE OF CRAVEN COUNTY

The first people of Craven County, as we have seen, were half wild northern hunters, as I have found the Blounts. These were as free as the country in which they lived. Brave, bold, and not to be oppressed were the qualities or characteristics of these early hunters and scattered families. They lived mostly on game from the forest and fish from the rivers. These were obtained with little effort and did not encourage thrift and activeness in the people. These were the only inhabitants until 1707, except a few English who strayed across the Neuse after 1690.

The first real colony that settled in Craven was the French Protestants, which in 1690 fled from France to Virginia because of religious persecution, thence to Craven, because of its wealth in soil, plants, game, and freedom. They brought their ministers with them. These French settlers were a religious, God-fearing, liberty-loving people. They were, as a whole, industrious and thrifty. Lawson says that they were indeed a very industrious people,<sup>101</sup> soberly behaved, and having the advantages of education and being very bright. In general the women were the most industrious sex in that place, and saved money by making their linens and woolens. The men were aided by nature to such an extent that they did not have to labor hard to provide for their families.

The next, as we have seen, were the German Palatines,—a practical, smart, determined, and free people. Their object in coming was religious freedom and personal liberty. In company with them were the Swiss, from the fatherland of democracy, a free country, a free people. Indeed, they were the most liberty-loving people of all the colonists. They were also religious, God-fearing people. They, too, were an industrious, capable people. In the same year with the Swiss came the small groups of Welsh Quakers and settled in Craven.

After 1710 the new colonists of Craven were English, except in 1732 another cluster of German immigrants landed in New

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<sup>101</sup> Lawson, p. 141.

Bern. The English need no description by me, their characteristics being well known.

Here in such a small extent of territory as colonial Craven county were four elements that, if mixed, would be the best mixture that could be made. They did mix, and they did make one of the most religious, liberty-loving people that have been found in the colonies, although each race produced its great men of Craven county in North Carolina.

Bancroft says: "North Carolina was settled by the freest of the free, bravest of the brave. The settlers were gentle in their tempers, of serene minds, enemies to violence and bloodshed."<sup>102</sup> "North Carolina was the most free and independent country ever organized by man. Freedom of conscience, exempted from taxes save by their own consent . . . these simple people were as free as the air of their country, and when oppressed, as rough as the billows of the ocean."

The people of Craven county submitted to the laws of British rule so long as they were just, but as soon as their rights were stepped upon that spirit of freedom broke forth first in the Stamp Act Riot of 1765, and continued to show itself throughout the war, and still shows itself.

The people of Craven county, as in the other sections of the province, were divided into three classes: First, the educated abroad before or after coming to America. Craven had more of this class than the other counties of Carolina because all the government offices were there. Second, were the men who had made fortunes in land or such. Craven had many of these, especially rich merchants and land-owners, and with that many slaves. We find from reading the wills that this class was predominant in Craven. Third, the common people, farmers and so forth, Craven had her share of these.<sup>103</sup>

Life in Craven, as well as in the other eastern counties, was gay. The log houses of the first settlers by 1729 were mostly done away with and in their places were the frame and brick houses. These houses soon were well furnished, and silver

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<sup>102</sup> Fitch p. 25.

<sup>103</sup> Hawks, II, p. 572.

spoons and other such articles were often seen. The stables were full of horses for riding purposes. And nature furnished the eatables with no lax hand. Among the first and second class wealth abounded and was appreciated. But in all the classes hospitality was unbounded, and weddings and other social occasions were largely attended. New Bern was the residence of the higher class, who attended the splendid balls given by Tryon, and those, in return, given by the rich merchants. In fact, New Bern was the gayest, liveliest, and busiest town in the province. Imported wines, rum from the West Indies, and negro fiddlers added charms to the midnight revelry of all classes. The curled and powdered gentlemen and the ladies in their hoops were never so pleased as in walking a minuet or betting at a rubber of whist. Horse racing and fox chasing were in high favor as a pastime.

The roads to Craven and other counties were very bad. There was a road from New Bern to Bath. Communication was bad, but the people from all the sections of the country overcame the difficulties and went to New Bern to see and take part in the balls given by Tryon. Craven county, after 1736, was the center of gaiety. Even though it seemed as if the people of Craven were given to too much revelry, they were not taken up so much with it that they did not flourish in wealth, number, and moral laws.

### WAR MOVEMENTS

We are not surprised in finding the people of eastern North Carolina, especially those of Craven county, revolting against oppression since they were people of such traits of character as we have seen in the previous chapter. In Craven one of the first actions against unjust taxation leaning towards force took place.

Between 1735 and 1740, when Johnston was governor, Granville's land agents were making trouble with the colonists, and lawful taxes were doubled many times. The currency was scarce, and gold and silver were hardly ever seen and not enough English money to pay the taxes. Contentions frequently arose be-

tween the rulers and the ruled. When Tryon came, although he was a good ruler in some respects, he made the burden of the colonists more grievous. In the year 1765 the British Parliament passed the odious "Stamp Act," another source of obtaining money from the colonists without their consent. This was more than the liberty-loving people of eastern North Carolina could bear. Meetings were held from one end of the province to the other, in which they expressed their indignation and declared that they would not submit to the law.

The speaker in the Assembly told the governor that the law would be resisted to "blood and death." All this had to have a climax which was brought about by the citizens of Cape Fear combined with those of New Bern, under the lead of Colonel Ashe and Waddell, both of New Hanover.

The Stamp Act was passed and was attempted to be enforced. Dr. William Houston was appointed stamp distributor of Carolina and he came to North Carolina as the guest of Governor Tryon. The people of New Hanover learned of his presence in Brunswick. Immediately a body of men under Ashe and Waddell marched to Brunswick. There they went to the house of Tryon, surrounded it, and demanded to speak with the stamp agent. Tryon at first refused to allow this. Preparations were made to set his house on fire and he realized that the people were in earnest and he invited Colonel Ashe or Waddell into his residence. He boldly entered and in a few minutes returned with the stamp distributor. Tryon was made a prisoner in his own home, while Houston was hurried to Wilmington, where he resigned as stamp agent and took an oath never to sell another stamp. This occurred on November 14, 1765.<sup>104</sup> The next day, November 15, 1765, the people of New Bern and its vicinity had become so enraged that encouraged by the actions of the Cape Fear people they gathered into a mob, while the Superior Court was being held they tried, condemned, hanged, and burned Dr. William Houston in effigy. A riot followed in which no great damage was done. This riot is known as the

<sup>104</sup> Fitch, p. 86.

New Bern riot of 1765. Not only in Craven, but elsewhere was the same thing done. From an extract of a letter in C. R. Vol. VII, p. 125, we find: "We hear from the inhabitants of that place (New Bern) that they tried, condemned, hanged, and burned Dr. William Houston in effigy, during the sitting of their Superior Court. . . . Also it happened in Wilmington . . . At Cross Creek 'tis said they hanged his effigy and McCarter's together (who murdered his wife). Nor have they spared him in Duplin, his own county."

In 1774 the Boston Port Bill was passed, which caused the port of Boston to be closed. Soon a cry for aid was sent out by the people of Boston. The people of New Bern and Craven county quickly responded. A great deal of provisions were collected from Craven and sent to Salem for the relief of Boston. On January 27, 1775, we find this notice in the Gazette: "Public notice is hereby given that Mr. John Green and Mr. John Wright Stanley, merchants in New Bern, have agreed with and are appointed by the committee of Craven county to receive the subscriptions which are now or may hereafter be raised in the said county for the relief of the distressed inhabitants of Boston, and to ship the same to Salem as soon as the several subscriptions are received.

"Proper stores are provided for by the said gentlemen for the reception of corn, peas, pork, and such articles as the subscribers may choose to pay their subscription in.

"Those gentlemen, therefore, who have taken subscriptions either in money or effects, are desired to direct the same to be paid or delivered to the above Messrs. Green and Stanley on or before the middle of March next, and to send as soon as possible an account of the subscriptions to be taken and are taken by which they may be governed in receiving.—R. Cogdell, Chairman."<sup>105</sup>

On August 26, 1774, the first provincial congress was held. At first it was planned to be held at Johnston Court House, but it was changed and held in New Bern at the above date. Craven had four members: Coor, Cogdell, Abner Nash, and Edwards.

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<sup>105</sup> C. R., Vol. IX, p. xxxviii.

This Congress met in spite of the orders of Governor Martin forbidding such a meeting.<sup>106</sup>

On August 9, 1774, the Friends of American Liberty called a meeting of the people of Craven county at New Bern. In this meeting members for the provincial congress were elected.<sup>107</sup>

The second provincial congress was held on April 3, 1775, at New Bern. Craven was represented by James Coor, Lemuel Hatch, Jacob Blunt, William Bryan, Richard Cogdell, Jacob Leach. New Bern by Abner Nash and James Davis. At the third provincial congress held at Hillsboro August 20, 1775, Craven was represented by Coor, Bryan, Cogdell, Leach, Blunt, and Edmond Hatch, New Bern, by Nash, Davis, William Tisdale, and Richard Ellis. At the fourth one held at Halifax, April 4, 1776, Craven was represented by the same men as at Hillsboro. New Bern only sent one, Abner Nash. In each of these congresses the representatives of Craven and New Bern took an active part.

On May 23, 1775, right after the news of the battle of Lexington had reached New Bern, the committee of safety, which consisted of Dr. Alex Gaston, Richard Cogdell, John Easton, Major Croom, Roger Ormond, Edward Saltee, George Burrow, and James Glasgow, led by Cogdell, and backed up by the entire population of Craven county, waited upon the governor. Their mission was to ask him to remount the cannon that were in the town and at the palace. Martin had had them dismounted because he had heard that the committee was to seize them as was done later. He prevaricated, however, as to his purpose, and seemingly satisfied the committee for the moment, but only for the moment as he well knew.

Martin realized that the end had fully come; he saw that without a man or a gun he was no longer a governor but was a prisoner in his own palace under strictest surveillance, and that his only resort was immediate flight. Therefore he immediately

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<sup>106</sup> *Ibid.*, p. xxv.  
<sup>107</sup> *Ibid.*, p. 1041.

shipped his family to New York and almost at the same time sought safety under the protection of the British boats in the Cape Fear. In less than four years from his coming as governor of the province he was a fugitive from his capitol. A capitol he would never see again. He was flying for his liberty if not for his life. Thus the people were the direct agents that brought about the end of the royal authority in North Carolina.<sup>108</sup>

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<sup>108</sup> Wheeler, *Reminiscences of North Carolina*, p. 129.  
<sup>109</sup> *C. R.*, Vol. IX, p. xxxvi.









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JOURNAL OF A TOUR TO NORTH CAROLINA  
BY WILLIAM ATTMORE, 1787

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**JOURNAL OF A TOUR TO NORTH CAROLINA  
BY WILLIAM ATTMORE, 1787**

**EDITED BY  
LIDA TUNSTALL RODMAN**



## PREFACE

The "Journal of a Tour to North Carolina," written by William Attmore, of Philadelphia, was a cherished possession of his great-granddaughter, the late Miss Rebecca Attmore, of New Bern, N. C. She was a real "Belle of the Fifties," who in character and person reflected the charm of that classic type of Southern womanhood that authors delight to picture.

Thomas Attmore of Devonshire, England, Parish of Kentslean, born about 1692, who removed to America in 1713, was the grandfather of William Attmore, merchant of Philadelphia, of the firm of "Attmore & Kaigher." In the winter of 1787, William Attmore came to North Carolina to collect debts owing to his firm and to obtain new business. While on his tour he kept a diary, of which some parts have evidently been lost, but enough remains to form an interesting narrative. The handwriting of the original manuscript is clear and beautiful, and the ink as black as though it had been penned yesterday instead of over a century ago. Only the paper has become faded and torn by age.

On this "tour," or a subsequent one, William Attmore met Miss Sallie Sitgreaves, the captivating daughter of Judge Sitgreaves<sup>1</sup>, to whom he was married March 18, 1790. He died in Philadelphia in 1800, and was buried there.

The names of some of the descendants of William Attmore and Sallie Sitgreaves who have lived in North Carolina in more recent years are:

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<sup>1</sup>The name of William Sitgreaves occurs among the signers of a memorial to the Lords Proprietors in 1755. (Col. Rec. vol. V p. 32). John Sitgreaves was one of his descendants and resided in New Bern; he was a lawyer of culture and high attainments. Wheeler's history says "he was appointed Lieutenant by the State Congress in 1776, in Captain Cassel's company. He was in the battle of Camden, August 1780, as aid to Governor Caswell. He was a member of the Continental Congress in 1784, and from 1787 to 1789 in the Legislature from New Bern. He was appointed U. S. District Judge of North Carolina by Washington. Jefferson's private journal has the following:—'1789. Hawkins recommended John Sitgreaves as a very clever gentleman, of good deportment, well skilled in the law for a man of his age, and should he live long enough, he will be an ornament to his profession. Spaight and Blount concurring, he was nominated.' He died at Halifax in 1802 where he lies buried." (Wheeler's Hist. p 119.)

1. **Hannah Taylor Attmore** m. **Wm. Hollister Oliver** 185— their children—
  - a. **George Attmore Oliver** died unmarried 19—;
  - b. **Elizabeth Geteg Oliver** m. **Martin Stevenson Willard** of **Wilmington, N. C.** died leaving no children;
  - c. **Mary Taylor Oliver**, **New Bern, N. C.**;
  - d. **Hannah Attmore Oliver** m. **Benjamin Huske**, **Fayetteville**;
  - e. **Martha Harvey Oliver** m. **Thomas Constable**, **Charlotte**;
2. **Sitgreaves Attmore** served in the **Confederate States Army**, was captured and imprisoned. He died from the harsh treatment he received;
3. **Isaac Taylor Attmore** served in the **Confederate States Army**, and was killed in battle;
4. **Rebecca Christine Attmore** never married, died 19—;
5. **Sallie Sitgreaves Attmore** m. **Robert Stewart Primrose**;
  - a. their son **Dr. Robert S. Primrose**, **New Bern, N. C.**;
6. **George Sitgreaves Attmore** m. **Kate Lane**, **Bayboro, N. C.**;
  - a. **Hannah Oliver Attmore**;
  - b. **George Sitgreaves Attmore**;
  - c. **Taylor Bynum Attmore**.

Interesting family relics are two miniatures owned by **Mrs. Thomas Constable**; one represents the wife of Judge **Sitgreaves**, the other is a memorial of the **Sitgreaves** men who served in the Revolution. **Mrs. Benjamin Huske** owns a list or record, of lands held by the **Attmore** family in England dating from 1337, copied from the records in the Tower of London, and other quaint documents.

The notes to the journal furnish other interesting data in regard to some of the persons and places mentioned.

LIDA T. RODMAN.

WASHINGTON, N. C.  
NOVEMBER, 1921.

## THE JOURNAL OF A TOUR TO NORTH CAROLINA

*Tuesday, November 6, 1787.* ABOUT 11 O'CLOCK A M I went onboard the Sloop Washington Packet, Captain Charles Kirby, Master, bound on a Voyage to Washington in North Carolina after being onboard a little while the boat being sent to the Shore I took that opportunity to land again, to get some further stores for the Voyage as yet omitted, and after waiting some time till about 1 o'clock, our Captain came down, we rowed onboard and directly hoisted Sail,—Upon enquiry find our Company onboard to be as follows,

CHARLES KIRBY, <i>Captain</i> ;	JAMES EASTON
WILLIAM HEST, <i>Mate</i> ;	BENJAMIN BROWN
DANIEL,	PETER MACKIE,
WILLIAM } JOHN,	WILLIAM ATTMORE,
JAMES } JAMES, Cook,—	SYLVIA EASTON, a little Girl.
	ROSE, a black Girl servant to Sylvia.

} Passengers

No remarkable occurence happened this afternoon altho' I, like Don Quixote watching for adventures; unless I record that one of the Seamen lost his Cap while busy getting in the Anchor. This was a very fine day, the Wind being from North to North East, we had a pleasant Sail by Gloucester Point, League Island, Mud Island, Little and Big Tinicum Islands—we amused ourselves from time to time eating Beef and drinking Grog upon the Quarter Deck, chatting and playing—

After dark we came to, below Chester;—When the Ebb began, our Pilot, Gilbert MCracken turned out, and got the Sloop under way till about four O'Clock in the Morning, by this time it became so foggy, it became dangerous to proceed, and therefore cast

Anchor in 4 fathom Water; supposing ourselves a little above Christiana Creek.

*Wednesday, November 7.* At 11 O'Clock A. M. the Fog cleared away, and we found ourselves off Wilmington—At 12, the Ebb beginning we hove up Anchor and made Sail; passed a Brig coming in, having hurricane houses on deck.—And a number Shallops and Boats. Came to, alongside the Wharff at Newcastle and received onboard Mr. William Ford, a Passenger, with his Baggage. I went ashore and paid a visit to Thomas Kean Esqr Sheriff of New Castle County, drank a bottle of Wine with him at his house; then he came onboard with me we sat down in the Cabbin where we treated him with such as we had—We got into good humour; when our Captain came down and let my visitor know that he was sorry to disturb him, but that we were then half a Mile from Newcastle—Mr. Kean went ashore in the Boat in Company with Mr Mackie—We dropt about two Miles below Newcastle, then let go Anchor—Here we lay all Night, there coming on a thick Fog in the Night which prevented our making Sail—We dismissed our pilot at Newcastle, Capt. Kirby undertaking to pilot the Sloop down the rest of the way.

*Thursday, November 8.* As we lay at Anchor hailed a Sloop going by us, and finding they were from New York with Oysters, sent our boat onboard, and got 7 or 8 bushels at 2/9, per bushel—Mackie and Ford who went in the Boat with two Seamen, stopt at Newcastle,—They rowed down under Shore where Ford luckily found a Man who brought him a Message—They then returned onboard.—

At half past 11, O'Clock got up Anchor, and hoisted Sail; but little Wind; hazy Weather, comes on again and some rain at half past Twelve—This forenoon the Brig<sup>e</sup> Charleston Packet, Capt. Strong passed us as we lay at Anchor—A Ship appears stretching up 4 or 5 Miles off, who must have passed us in the Fog this Morning early.

At 3 O'Clock in the Afternoon, being about half way between Reedy Point and Reedy Island about a mile from the Delaware Shore, the Ebb being strong, little wind since we weighed Anchor,

having had Boat ahead towing since we got up Anchor—we found the Tide set us fast toward a Shoal or spit of Land lying off; cast the Lead, and at the last throw by the Captain found but 9 feet Water; he immediately ordered to let go the Anchor; this was done directly; but force of the Tide was such, the Cable instantly parted, and we directly grounded on the Shoal, at about half Tide—a very little distance from our Anchor—After getting in Sails, our Seamen went in the Boat & weighed our Anchor by the Buoy Rope, with very little difficulty, and brought it onboard. Here we lay till about Sunrise next day, having got out another anchor.

*Friday, November 9.* This Morning there being a light breeze to take us off the Shoal, we got up Anchor our Boat ahead to Tow; we got over to the Channel—towards the Delaware Shore: and the Flood being strong and the Wind rather ahead came again to Anchor, waiting for the Tide to go down to the Piers—We all turn'd out this Morning about Sunrise, a very fine Morning—Vast flocks of Blackbirds in sight going from Reedy Island to the Main:

About I O'Clock in the afternoon we came to, at the Piers, and made fast to the outermost Pier without letting go an Anchor—After getting Dinner, the Captain, Easton, Brown, Mackie, Ford, and myself went ashore (the Captain resolving to wait for a Wind to go down the Bay in the Morning) we went up to the Town of Port Penn and amused ourselves 'till the Evening when we all came onboard.

We found the Cabbin nearly cleaned up against our return by orders of the Mate—

The Piers of Reedy Island, as they are generally called, are not built at Reedy Island but on the shore of the Delaware opposite to the body of that Island, and consists of first a long Wharff joining to the Main, then of *three square* piers composed of Logs, and filled up with Stones and Dirt; sunk in a row, at nearly equal distances from each other opposite that long Wharff, leaving an interval or thoroughfare for the waste to pass betwixt them, about 70 or 80 feet wide between each pier or Wharff; the whole forming a kind of Mole or Jettee above 300 feet out into the River—The use of these Piers is to form a Harbour for Vessels

against the dangers of the Ice in Winter, And it is found to answer the purpose very well; last Winter above 50 Sail found shelter there till the navigation was clear.

I should have mentioned that on the north side of the other Piers at some distance another Pier is sunk to serve as a kind of outwork to the others in breaking the Force of the Ice coming down.

Reedy Island is about 3 miles long and not above a quarter of a Mile wide—It has formerly been banked in, but at present is not in culture but overflowed in high Tides—

About half a mile above the Piers, lies the Village of Port Penn, consisting of 30 or 40 Houses, it is on the River side and directly opposite the upper end of Reedy Island—The River is 6 Miles over.—

After getting onboard, we spent the Evening very gaily—Mirth and festivity smiled around us—Every Man endeavor'd to contribute to the general pleasure—And every attempt in these cases is received with favour.

*Saturday, November 10.* At about half past 12 O'Clock, we cast off from the Pier, and got down to Bombay Hook in the night—Let go Anchor—Then weigh'd about break of day and stood down the Bay; Many Vessels in sight—passed two Brigs & a Schooner that were coming up,—hailed the Schooner found her to be from Newbern, 15 days out, Capt. Hudson.—

We overtook and passed a Copper bottom Schooner with a crowd of Canvas—One of our Seamen seeing her look so gay, gave her the name of the Macaw Schooner—

Towards Dusk came to Anchor in the Bay about 20 Miles above the Light House; the sky to the South and West looked very black and louring which gave us considerable apprehension of a severe Gale in the night;—We let go our best Bower and prepared for it in the best manner we could. Our whole Company looked very blank and melancholy; quite a contrast to the gaiety of last evening—The Wind pretty fresh. The Shoals in Delaware Bay are mark'd to Mariners by Beacons and Buoys—

*Sunday, November 11.* Contrary to our expectations, we had no Gale last night, and got early under way, and passed down the Bay and out to Sea with a favourable Gale—About 9 O'Clock A M we passed the Light House at Cape Henlopen about 2 Miles distance—We stood out to Sea, South east, & then stood to the Southward, our Captain intending to keep near the Coast: When in mid Channel one can see both Capes, but cannot see from one Cape to the other if one is ashore there.—

After getting a little past the Light House, I began to grow Sea Sick, with the usual symptoms, Mackie also sick, & likewise black Rose. The rest of our Company well.

*Monday, November 12.* I still continue indisposed, and have eat but little, these two days—one's stomach nauseates solid food while Sea Sickness lasts—The Sea much smoother today than yesterday, The reflection of a blue Sky makes the Water appear of a greenish Colour. When there is a cloudy Sky the Water appears of an azure or blue Colour.—

*Tuesday, November 13.* Today we are nearly well—Mackie and I eat our allowance at Breakfast with a pretty good appetite. About 9 O'Clock, the Sea smooth and the Weather hazy we made the Land, supposed about 30 Miles to the southward of Cape Henry—We stood in within about half a Mile of the Shore, and Surff, 6 fathom Water. We have been trying this morning for some Fish, but had no success. We passed Currituck Inlet today—In the Evening we stood off shore, heaving about when within a quarter of a mile of the Shore—We saw 7 or 8 Craft standing up the Coast, we suppose them bound to Norfolk.

Hailed two of them,—answer'd from New Inlet—It has been warm and pleasant today—Aired the Cabbin and Bed Clothes.—

*Wednesday, November 14.* Rose at Sunrise—A very fine day—After some time standing in for the Land, find ourselves off Roanoke Island and Inlet—But little Wind all the Morning—The Wind all day ahead, what we gain on one Tack, we nearly lose on another—Saw several Whales, and diverted ourselves with observing their Spouting and blowing—One passed our bows within Musquet Shot. Flocks of Gulls about us—Tried again for Fish, bottle

with Tow Line and Deepsea, but cannot catch one, We are now about 40 Miles from Cape Hatteras which we wish to get round, but this contrary Wind baffles us—In the Afternoon the Wind freshens on us, but still ahead—

*Thursday, November 15.* About 3 O'Clock in the Morning came on a Squall and rough Sea, which lasted till about 9 O'Clock; in the Morning—I am again Sick—Wind still ahead—Find by observation at noon that we have gained but 11 Miles southing in 24 Hours past—

*Friday, November 16.* Wind still ahead,—A very brisk Wind and rough Sea today—Spoke a Sloop bound from New York to Edenton.—A brig in sight. A Whale & Sword Fish pass us. I am again sick from the rough Sea—In the evening came on rain—And fell calm; our Vessel rolled and pitched very much—The Captain and people being on deck about 8 or 9 O'Clock, the night dark, in hoisting the Boom from the Larboard to the Starboard crutch, the Boom swinging over crushed the head of one of the Seamen, John , between it and the Starboard crutch in a shocking manner; the poor Man fell on the Deck, and afterwards bled from his Mouth Nose and Ears many Quarts—They got him down into the Cabbin and laid a Sail for a Bed, We expected him to die in a little while—We spent the night very disagreeably—His Groans and the bad situation in which he was distressed us much.

*Saturday, November 17.* Soon after we got something composed, about 12 last night, the Wind came round to the Northward, and blew violently, with a high Sea, We stood off the Land and Afterwards laid to, under a reef'd Mainsail—till the Morning, then stood on our way, and went at a great rate, Passed Cape Hatteras Shoals,—After getting round the Cape, stood in for Land, and hoisted a Signal for a Pilot, one came onboard who took charge of us till we passed over Ocracoke Bar and came to Anchor at the upper Anchorage, about one O'Clock here we found lying a Brig, a Schooner and 3 Sloops—Got dinner; After 3 O'Clock stood on, crossed a Shoal or Bar across the Channel called the Swash, lying 6 Miles or thereabouts from *Ocracoke Bar*,—

On the Bar is 14 feet water, at low tide—On the *Swash* is 8 feet at low tide; the Tide rises on these Shoals but about—feet on the Bar, and about—inches on the *Swash*.

The Inlet opens into a great Bay called Pamlico Sound, that receives into it many Rivers on different sides, We crossed it about 40 Miles, partly in the Night, the Moon shining bright to the mouth of Tar River, Went up that River in the night till we came off Bath Creek Mouth about 2 miles from a place call'd Bath Town which lies up the Creek; then let go Anchor till Sunrise, being about 24 Miles up the River—

*Sunday, November 18.* Hoisted out our Boat and set Mr. Brown on shore near the point, then stood on, up the River 16 Miles further, to Washington; where we arrived about 1 O'Clock —Here a number of Gentlemen came onboard us—Went with David Shoemaker and paid a short visit at his house, returned onboard and dined.—Towards evening took a walk to Mr. Nuttle's, where was Mr. & Mrs. Shoemaker, and Capt. Eldredge; drank Tea there. Mr. Mackie and I return'd and slept onboard.

*Monday, November 19.* Muster Day in Washington, which brought a large number of people from the Country—

Mr. Richard Blackledge,<sup>1</sup> came to town.—I dined at David Jones's in Company with Kirby, Mackie, & Whitall.—Drank Tea with Rachel Shoemaker—Many disorders in town, the Militia some of them fighting. This is the practise every Musterday. Mr. Knight a Criminal who had escaped from Philadelphia was

<sup>1</sup>Richard Blackledge and his brother Thomas Blackledge were natives of New Bern both of whom lived in Washington for a few years. Richard Blackledge was one of the first commissioners of the town of Washington, a lawyer of brilliant ability; he represented Beaufort county several terms in the Legislature. He married Louisa Blount, daughter of Colonel Jacob Blount, and Sister of John Gray Blount. After their marriage they lived in Tarborough. Prior to the ceremony, a marriage settlement was made by which her property, consisting of a house and two lots in that town with twenty or more negro slaves, were conveyed to her brother, Gov. William Blount in case of her death without children. The document is signed by Judge Samuel Spencer; it is written on parchment in good preservation and bears the stamp forced upon us by England. It reads "2 lots, or pieces of land, in the Town of Tarborough situated on Saint George and Saint Andrew and Granville Sts., and known in the plan of the town as numbers 104 and 105." In the history of Edgecombe county by Turner and Bridgers (page 107) this house is described as the place where George Washington, on his visit to the State in 1791, was cordially entertained "at the beautiful residence overlooking Tar River, belonging at the time to Major Reading Blount." The career of Richard Blackledge was cut off by his addiction to the drink habit. His wife only lived a short time after her marriage and left no children. The house situated near the river was still standing a few years ago, but in a very dilapidated condition. (Reference also to Dec. 21st)

taken up, alongside our Vessel & Capt. Eldredge's; he was put in irons and sent to Goal. I slept onboard.

*Tuesday, November 20.* Mr. Blackledge waited on me, and kindly invited me to fix my residence with him and his brother Thomas, that I should have a Room for myself, and he wou'd furnish me a Horse &c. to be at my command during my stay in North Carolina.—I had engaged quarters at Horn's Tavern, but now conclude to accept Blackledge's offer.—I Breakfasted onboard—Blackledge called down at the Vessel about dinner time, when we walk'd to the House, where he then introduced me to his brother Thos. & to his brother's wife, Polly Blackledge\*. There were two young ladies dined with us, Miss Sally Salter, sister of Mrs. T. Blackledge, and Miss——— Armstrong, two agreeable looking young ladies, but rather silent today. My Chest &c. was sent up in the Evening—Wrote home to J. K. and Wm. F.—near Tarborough. Rain at night—

*Wednesday, November 21.* After Breakfast, set off from Washington for Newbern in Company with R. Blackledge, B. Brown, Capt. Keais<sup>†</sup>, Jno. G. Blount<sup>‡</sup>, Doctor Loomis & Charles Cooke, all on Horseback, we crossed Tar River in a Scow—rode a Mile or two, then Blackledge pushed on before us, in order to get to Newbern early—The rest of us rode about 22½ Miles, where we cross'd *Swift's Creek*, on a bridge, this is a branch of Neuse River.

We dined at Johnson's near the Creek, about 22 Miles from Washington. Rode to Curti's Tavern 7½ Miles further; here we staid all night—Went to bed early, being a good deal tired.—

\*Mrs. Polly Blackledge, the wife of Mr. Thomas Blackledge, was a daughter of Col. Salter. Their residence in Washington was of short duration. They are survived by a number of descendants mostly residents of New Bern.

†Capt. Nathan Keais, a native of Rhode Island where he commanded a company of State troops during the Revolution. He is put down also, as one of the Captains of the Second Regiment North Carolina troops. He and his wife, Barbara, are buried in the churchyard surrounding St. Peter's Church, Washington. Their descendants are represented in the Hoyt and Tayloe families.

‡John Gray Blount is said to have been the most influential man in Beaufort county in his day. He was a merchant of large enterprise and a patriot of the Revolution. He and his wife, Mary Harvey, daughter of Col. Miles Harvey of Perquimans, are buried in the churchyard of St. Peter's Church, Washington. They left many descendants represented in the Blount, Rodman, Myers, Branch, J. G. B. Grimes and Cowper families.

*Thursday, November 22.* At Curti's we met General Armstrong<sup>\*</sup> to whom I was introduced by Mr. Blount—After breakfast we led our Horses to the River Neuse, at this place about 200 yards over, here ferried over in a Scow, and rode on 10 Miles further, to Newbern—first crossing Bachelor's Creek on a Bridge, 3 Miles from Curti's—

Went in Company with Blount and Brown, to Pendleton's Tavern—There I dined paid several Visits, Saw John Green, John Kennedy & Nathan Smith drank Tea at Nathan Smith's—At Mr. Green's I saw the pretty Miss Cogdell<sup>†</sup>, whom Mr. Green introduced to me—When the Tea Tackle began to rattle, I was sorry I had previously declared an engagement at Smith's—And was therefore obliged to move—Mr. Green waited on me to Smith's, and then to my Quarters.—

*Friday, November 23.* Breakfasted at Pendleton's—In the forenoon there was a Horse Race five Horses started for the Purse which was won by a Horse called Sweeper—Went to Dine with John Green, by invitation; there was Miss Cogdell, Misses Wright Stanly, Mr. Doiley, & Mr. .... Green, (John's brother)—Towards evening took a walk with John Green to see the palace.

The palace is a building erected by the province before the Revolution—It is a large and elegant brick Edifice two Stories high; with two Wings for the offices, somewhat advanced in front towards the Road, these are also two Stories high but lower in height than the main Building, these Wings are connected with the principal Building by a circular arcade reaching from each of the front Corners to the corner of the Wing—The palace is situated with one front to the River Trent and near the Bank, and commands a pleasing view of the Water—It was finished within, in a very elegant manner. The grand Staircase lighted from the Sky by a low Dome, which being glazed kept out the Weather—

<sup>\*</sup>General Armstrong was a member of the Pitt county committee of safety, and one of those named to solicit donations for the relief of the people of Boston. He was elected Major of Pitt county militia in 1775; was in active service near Philadelphia, and promoted to Colonel in 1777; elected Brigadier General in 1786, and member of Fayetteville Convention 1789. His home was on the south side of Tar River in the neighborhood of the Salter and Grimes plantations. His name has disappeared from Pitt county, and most of his descendants have moved farther south.

<sup>†</sup>(Hist. Pitt Co., by Henry King) "The pretty Miss Cogdell," was the daughter of Richard Cogdell and mother of Hon. George E. Badger, Judge of the Superior Court, and Secretary of the Navy in 1841.

This House was formerly the residence of the Governors of this Country, as well as the place where the Legislature sat, to transact their business—It is somewhat out of repair at present, and the Legislature, not meeting at this time in Newbern, the only use now made of it is, the Town's people use one of the Halls for a Dancing Room & One of the other Rooms is used for a School Room. The only inhabitants we found about it were the Schoolmaster and one little boy in the palace, school being out. And in the Stables 2 or 3 Horses who had taken Shelter there from the bleakness of the Wind. The King of G. Britain's Arms, are still suffered to appear in a pediment at the front of the Building; which considering the independent spirit of the people averse to every vestige of Royalty appears Something strange—

We returned to Mr. Green's, where I drank Tea with the ladies. Miss Cogdell's Sister called in the evening; And two Gentlemen came in—I was introduced to Mrs. Stanly—And accompanied the Ladies with several Gentlemen, as far as my way went where I bid them Adieu for the evening.

One instance of the vicissitudes of human affairs; is exhibited in the situation of things at the palace, which from being the seat of a little Court, under the regal Government; is now become the seat of a petty Schoolmaster with his little subjects, another instance occurs in the person of Mr. Jno. W. Stanly<sup>1</sup>, the husband of Mrs. Stanly already mentioned; this Man of whom the first knowledge I had, was, his being confined a prisoner in the Goal of Philadelphia for debt, upon his liberation removed to this Country, where by a Series of fortunate events in Trade during the War he acquired a great property, and has built a house in Newbern where he resides, that is truly elegant and convenient; at an expense of near 20,000 Dollars—He has a large Wharff and

<sup>1</sup>John Stanly often a member of the Legislature from Craven, and a member of Congress from 1801 to 1809. He became engaged in a political controversy with Governor Richard Dobbs Spaight in 1802 which unfortunately terminated in a duel in which Governor Spaight received his death wound.

The beautiful house built by Mr. Stanly at such a large expenditure, for that day, is still standing, and is an ornament to the town of New Bern. It is described as "the house in which George Washington was entertained in 1791. And, where Mr. Stanly gave hospitable welcome to Gen. Nathanael Greene, and made a loan to him of forty thousand pounds for the necessities of his suffering soldiers of the Revolution." It is now owned by Hon. James A. Bryan, who served as a captain in the Confederate Army.

Distillery near his house; upon Neuse River side of the Town—and a fine plantation with sixty Slaves thereon.—

One circumstance deserves to be recorded to his honour—Altho' brought to Philadelphia from Honduras a Prisoner arbitrarily; and on his arrival sent to Goal by the person who brought him by force yet upon his getting into affluent circumstances, he generously relieved the pecuniary distresses of that very person afterwards; the more meritorious, as upon a settlement of Accounts with that Man, it was found that he owed him nothing, but on the contrary that person was in his Debt—Mr. Wright Stanly brother to John invited me to spend a Week with him at a Farm about 13 Miles from Newbern, where he promises me the diversion of Deer Hunting and driving.

*Saturday, November 24.* Races again today, four Horses started; a mistake happen'd, the Horses being nearly abreast some of the people hallooed, "set off," "go," &c. which the riders supposed to be Orders from the proper judges; they set off, and run the course with great eagerness, the blunder created some anger and a good deal of Mirth. The Riders were young Negroes of 13 or 14 years old who generally rode bareback.—

I have attended the Races yesterday and today rather from motives of curiosity than any love to this Amusement, and think I shall hardly be prevailed on to go ten Steps in future to see any Horse Race—The objections and inconveniences attending this kind of Amusement, obvious to me, are,

- 1st. Large numbers of people are drawn from their business, occupations and labour, which is a real loss to their families and the State.
- 2d. By wagering and betting; much quarreling wrangling, Anger, Swearing & drinking is created and takes place, I saw it on the present occasion prevalent from the highest to the lowest—I saw white Boys, and Negroes eagerly betting 1/ 2/ a quart of Rum, a drink of Grog &c, as well as Gentlemen betting high—

## 3d. Many accidents happen on these occasions—

One of the Riders a Negroe boy, who rid one of the Horses yesterday, was, while at full speed thrown from his Horse, by a Cow being in the Road and the Horse driving against her in the hurry of the Race—The poor Lad was badly hurt in the Head and bled much—

The second day, one of the Horses at starting, run violently amongst the people that sat in a place of apparent security, it was precisely the spot where I thought there was the greatest safety, for foot people—More might be added.

I went to the Court House to see the proceedings there at the Superior Court—An Argument about bringing on the cause of the Heirs of Samuel Cornell<sup>1</sup> against those who had bo' property once his but confiscated by the Government—Saw H. Harris he kindly offers me an introduction to Ladies of his acquaintance in and about Newbern—

*Sunday, November 25.* This morning Mr. John Green called at my quarters, he asked if I had a mind to go to Church; I having no inclination to go, he left me at Church time.

It is the custom here With some, if they can afford it, when a burial happens in their families, to give the Minister and bearers white scarf's and Bands the Scarff is composed of about 3 yards & a half of white linen and hangs from the right shoulder & is gathered in a knot below the left Arm, with a Rose and Ribbands, also white; from the knot the two ends or tags hang down; the Band for the Hat is of white linen also, about 1½ yards or sometimes that quantity will make two Bands if split down the middle—This is tied round the Crown of the Hat & the two ends streaming down—

The Sunday after the Funeral, the bearers assemble somewhere, with these decorations to their persons and go in a body into Church, where the Minister dress'd in the like manner receives at the door.

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<sup>1</sup>Samuel Cornell a distinguished Tory; it has been stated that his family was connected with that of Daniel Webster.

This custom I had the opportunity to observe today, there having been a funeral last Week, the bearers assembled at the Tavern where I stay, opposite the Church, in order to go into Church together. The Linen is of a convenient quantity to make a shirt after ceremonies are over.

I went to dine with Nathan Smith, by invitation: the Company consisted of himself and Sister, and eight Gentlemen Guests; Col. Davie<sup>10</sup>, Messrs. Tomlinson, Haines, Grainger, Carty &c.—It is useful & entertaining in a Company of Strangers, after the first Salutations and civilities are passed to be rather silent, and observe the Characters of the Company, opening by degrees in the course of conversation, one also hears many anecdotes of other persons who are sometimes handled freely, in their absence; and one hears many particulars useful or curious.—

Col. Davie produced a curious Tobacco Pouch, made of a young Mink Skin, the size of a little Cat, it was dress'd with the hair, Feet and Claws and Tail on, and when thrown on the Table with a bellyfull of Tobacco look'd like a little dead black Cat.

Mr. Grainger mentioned a Method of discovering wild Bees in the Woods—Fix a piece of Honeysuckle on a forked, Pole, which is to be set upright, a Bee comes, loads himself, and flies directly towards his home, follow him with all dispatch, as far the eye can reach him, then move the Pole forward so far; the Bee or some other, comes again, follow on still, which by degrees leads to the Tree where the Bees are with their Store of Wax and Honey—

In the evening returned to my quarters, where I found Armstrong, and Capt. —, other Gentlemen came in.

*Monday, November 26.* Today, was tried in the Superior Court, the Claim of the Heirs of Samuel Cornell Esqr. for the property that belonged to him in North Carolina; he having gone away in the early part of the War the property being consider'd as confiscated was sold by the Agents of the State—Judgment was given against the Heirs—The Judge & Lawyers in this Country dress in black Robes & white Tunics like parsons.

<sup>10</sup>Colonel Davie here mentioned was the well-known and distinguished soldier of the Revolution, William Richardson Davie.

*Tuesday, November 27.* Nothing worth remarking.—

*Wednesday, November 28.* Breakfasted with John Green—About 11 O'Clock Capt. John Jones & the older Mrs. Blackledge arrived in Gurling's Sloop from Philadelphia.—six day's passage.

About noon met Mr. John Stanly in Church Street, he told me he was going to look for me to give me an invitation to dine to-morrow at his house.

I gave him to understand that I expected to leave Newbern towards Evening this day—He then ask'd me to go to his house & take a Glass of Wine—We had a variety of Chat—Engaged to dine with him tomorrow if I don't leave town—Went to see Capt. Jones at Jno. Green's was introduced to his Mother-in-law. In the Evening he & Mr. Green called at my quarters, where I gave them punch—Saw N. Smith today at his Store—I am to expect trouble, I see, in settling with him. R. Blackledge set off for Tarborough early this Morning. H. Harris and I had a long conversation in the Afternoon at my quarters, this & an appearance of rain prevents my setting out for Washington.—

*Thursday, November 29.* Went at two O'Clock to Mr. John W. Stanly's to dine, he had also invited Judge Spencer<sup>11</sup>, and Mr. Iredell<sup>12</sup> an eminent Lawyer, Mr. Thomas Turner, Mr. William Shepard<sup>13</sup> and Mr. Bryan were there. The Ladies present were Mrs. John W. Stanly, Mrs. Wright Stanly and Mrs. Green, the widow of Mr. James Green—The Court holding late kept us waiting for the Judge & Lawyers. I had a long tête à tête Conversation with Mr. John W. Stanly before Dinner; about half past four the Judge and Mrs. Iredell came, then we sat down to Dinner. Had a long discourse with Judge Spencer on the subject of Paper Money & c. I do not like his ideas, he contends that the Country

<sup>11</sup>Judge Samuel Spencer of Anson county held many offices under the Colonial government, and was one of the three Judges of the Superior Courts first elected under the constitution in 1777.

<sup>12</sup>Mr. Iredell emigrated to Chowan county from England when 17 years old. He studied law under Gov. Samuel Johnston and married his sister, Hannah. He became a very distinguished citizen of North Carolina. He held office successively as member of the Assembly, Judge of the Superior Court, Attorney General of the State and, later, was appointed by George Washington Associate Justice of the Supreme Court of the United States. In the presidential election of 1796 he received three electoral votes.

<sup>13</sup>William Shepard of New Bern was the father of Honorable Chas. B.; William B.; and James B. Shepard; and of Mary, the wife of Hon. John H. Bryan of Raleigh.

cannot do without a Paper Medium, and that the value of this medium shall be regulated from time to time by a Scale of value or depreciation. I am afraid the Ladies were ill entertained while they staid with us.—We dropt the subject on going into the Tea Room, where more general topics took place—A while after Tea, I took my leave and retired to my Quarters—

*Friday, November 30.* I staid in Newbern till about 3 O'Clock in the Afternoon, then set off alone, for Washington—Coming out of Town I heedlessly miss'd my way, and rode about two Miles before I was sensible of my being wrong—Had I only thrown the reins on the Horse's Neck he wou'd probably have gone right, as he knew the way home to Washington better than I, and it is also probable that he had not such a variety of ideas to embarrass his mind.—The Road from Newbern to Washington is thro' a Tract of Country mostly a flat and level body of Land, the Soil a whitish Sand, the timber is mostly Pines; in some places the Pines mixt with a few Oaks; in one place the Road goes a short distance thro' a Swamp of large Cypress Trees, and small canes, with which are intermingled a variety of Shrubs and Vines growing out of the water.—The Road is partly cover'd with the dead spines or leaves of the Pines, of a rust colour—Abundance of the Trees, more particularly the Oaks, have large quantities of a long silver grey colour Moss hanging from the branches, it grows often 3, 4 or 5 feet long and looks like Streamers hanging from the boughs—This Moss is good food for Cattle, who are generally very fond of it—In the Winter when Fodder is short the people cut down the Trees cover'd with it for the Cattle to browse.—About dark I arrived at Neuse River, where giving one or two halloes that made the Woods echo, the Ferryman on the other side heard and answr'd me—Then came over in the Ferry 'Scow and took me across to the Ferry House a little distance from the River, where Mrs. Curtis gave me hospitable entertainment,—There is a long Causeway to pass on the South side of Neuse River very bad in wet Seasons—

*Saturday, December 1.* After Breakfast I set out alone for Washington, after riding a Mile or two, looking down upon the

Road I thought there lay in the path a fine large Orange, which in a moment I concluded had drop't from the pocket of somebody who had been down to Newbern, & was carrying it home; perhaps it might be for a present for his Sweetheart—I found it however to be only a Gourd or Squash in colour & shape like an Orange and is very common in this Country.

A few miles further on, I saw two beautiful Woodpeckers with varigated plumage and red towering Crests—Their Note was a repetition in a shrill sound of the word *PEAP*. They were much larger than any I ever saw in Pennsylvania.

*Sunday & Monday, December 2 & 3.* Staid at T. Blackledge's—Several Visitors there—During my absence at Newbern, a quarrel has taken place between Kirby and Ford—Wrote to J. K. inclosing R. Blackledge's Papers, Sunday. Ford fined 20 pounds for Assaulting Kirby, and bound to good behaviour.—

In the evening I went and took Tea at Mrs. Shoemaker's by invitation. Mrs. Nuttle came in, I waited on her home, She invites me to Visit.—At Mr. Blackledge's today was introduced to Messrs. Grimes<sup>14</sup>, father and son.—Miss Betsy Grimes & Miss Polly Watkins came and staid at Mr. Blackledge's—

*Wednesday, December 5.* It was so warm & pleasant today we sat with open Windows. Staid at T. Blackledge's—Miss Salter, Miss Grimes, Miss Watkins, two Miss Eastwood's there—cloudy and some Rain.—Capt. John Wallace<sup>15</sup> gave us a good deal of his Company today.

*Thursday, December 6.* A Cloudy and rainy Day, staid at home; spent the day Writing, Reading and Chatting—I think it observable that our Language is more and more sliding into modes of expression allusive and allegorical, approximating to the eastern stile—Professional Men, Lawyers, Seamen, Soldiers

<sup>14</sup>Messrs. Grimes, father and son, were Demsie Grimes and his son the first Bryan Grimes. Demsie Grimes was a wealthy and leading citizen of Pitt county; he owned Avon and Grimesland plantations on the South side of Tar River, about twelve miles from Washington. Bryan Grimes was the father of the late distinguished General Bryan Grimes of the Confederate Army; and of the late Mr. William Grimes a highly valued citizen of Raleigh.

"Miss Betsy Grimes" mentioned further on was the daughter of Demsie Grimes and married Reading Grist. She was the ancestress of the Grist family of Beaufort county. She is buried in the Grimes burial plot at Avon where repose the remains of three generations of her family.

<sup>15</sup>Capt. John Wallace, a citizen of Beaufort county for many years prominent in the seafaring trade and other industries. He was distinguished for energy and activity in business, the late Capt. Alf Styron of Washington was one of his descendants.

&c. introduce many phrases into common Language, at first perhaps ludicrously, which by degrees obtain a currency, and are applied to the business of common life, the Soldier desires you to *parade* yourself and take a walk with him, he tells you that he visited at such a place, and staid till they began to *parade* Dinner, then he *March'd* off, the Sailor finds you lying down, he enquires "What's the matter that you are lying "on your *Beam ends*? and tells you to "Get up, or Ben "will get to *Windward* of you for he is eating all the Pie." I am persuaded that many terms introduced in this way ludicrously are adopted at last as classical—It sounds strange to my ear, to hear the people in Carolina, instead of the word *carry* or *carried* commonly say, *toat*, or *toated*—I asked a boy what made his head so flat he replied "It was occasioned by *toating* Water. This is the usual phrase—I am told the Joiner charges in his bill for "toating the Coffin home" after it is finished.

*Friday, December 7.* Captain John Wallace informs me, that in one of his Voyages at Sea, in Latitude 23½ North, they caught a Shark about ten feet long, in whose Maw was 2 Hats & 1 Milled Cap; this he declares to me, that he saw with his own eyes.—Tho' many things are related of the dangers from Sharks, yet I have not known, nor ever heard credibly attested, that a Shark has ever bit or injured a living Man on the Coast of the United States—Thousands of Men in the Summer Season, are in the Water, Bathing, Fishing &c. upon our Coasts—

Miss Watkins & Miss Grimes left us today—In the Afternoon I was introduced to Mrs. Jno. Blount, by Mrs. Blackledge.—The Weather clears in the Afternoon—

Mr. Blount; Mrs. Blount; Mr. Arnett, a Lawyer; Capt. Wallace and Miss Sally Salter drank Tea with us.—A party agreed for Deer Hunting tomorrow.—

*Saturday, December 8.*

*To drive the Deer with voice and hound,  
This Morn we took our way,*

But,—

*No stricken Buck hath cause to rue,  
The Hunting of the Day.—*

A Frosty Morning, When the day grew warm the Dew Drops hung at the end of the leaves, like Diamonds quivering in the Sun beams—

About 9 O'Clock, a party of us, embark'd to cross Tar River to go on a Deer Hunt, the Company were, Capt. Dill, Messrs. Thos. Blackledge; Nuttle; Whipple, Bonner, Capt. John Wallace; and myself, we row'd in Dill's boat by two Sailors; John Blount Esqr. was to cross over in a Canoe and meet us, over the River at his Farm<sup>16</sup> near which we were to hunt this Morning—The method of hunting is generally as follows,

One part of the Company go into the Wood with the Hounds and usually carry their Guns along, here they begin to trail for the Deer Tracks, and put the Dogs on the Scent, the other part of the Company are station'd in different places where it is known that the Deer usually cross the Forest towards the River, for a hunted Deer when hard push'd by the Dogs and Hunters generally makes for the Water where they can swim with great strength and swiftness,—A party is station'd in a Canoe or Boat to pursue him, if he takes the Water,—If he takes the River They must seize him by the Tail and lift him by it and drown him.—All this we tried but without getting a Deer—I was station'd at a Neck of Land that joins a small peninsula to the Main and was known to be a good place for the reception of a herd running down I stood at my Post for about two hours with the vigilance of a Sentinel looking for an enemy with 7 small bullets in my Gun, to pepper him well, but no Buck came near me; one of our party shot at a Doe a considerable distance from him, but without effect, she got away—While I stood at my Post five Hounds pass'd me within 30 Yards, and shortly open'd their Music, soon after, I heard a most dreadful squealing of Pigs, I was afterwards told that a party of the Neighbors were out hunting Wild Hogs; when the dogs seize them, the Men come up, tie the feet of the Hog taken, and leave him on the spot for the present,

<sup>16</sup>One of the historic spots near Washington. It was devised by the will of John Gray Blount to his grandson, William Blount Rodman, and became known as "Rodman's Quarters." It was occupied by both Federals and Confederates during the Civil War as a fort, from which point of vantage each at different times shelled the Town in efforts to dislodge the other. It is now owned in part by Mr. Ott Rumley.

then halloo the dogs after the rest of the herd.—Returning from the Hunt we saw a Negroe in only his shirt bringing a horse from the fields, he shook with cold. We returned to Washington in the Afternoon.

*Sunday, December 9.* Thos. Blackledge being about to remove from Washington, I yesterday evening moved my effects to Geo. Horn's, where I have engaged to Board, to pay 6/ Paper Money per day; if absent three days to be allowed the time—Dined there today for the first time—In the afternoon went with Doctor Loomis & others to the funeral of John Bonner<sup>17</sup>, about a Mile in the Country; when we arrived at the house, we found it crowded with a mixt Company of Men and Women, sitting & standing round the Corpse, which was nailed up in a Coffin and cover'd with a Sheet, Parson Blount<sup>18</sup> was standing with a Tea Table before him, to hold his Books, and an Arm Chair for him to sit down if he chose it—He went thro' a long service from the Liturgy of the Church of England Prayers, Creeds, Psalms, &c. and afterwards preach'd a very excellent Funeral Sermon; and instead of a fulsome eulogium on the deceased, he very pathetically exhorted his hearers to consider the shortness of life, the certainty of Death & the necessity of a preparation for the World to come.—I staid till Sermon was over. when being very cold, I came away—I was told that the Corpse was carried to the family burying place on the Farm by six bearers with Napkins, in the manner Children are commonly borne to the Grave; each of the bearers had a black Ribband tied round one of their Arms—

This Man tho' a Member of the Assembly, and a rich Bachelor, lived in an old house that had four Windows in the lower room only one of which appeared ever to have been glazed; the others had sash lights but no Glass—

<sup>17</sup>John Bonner, one of the Bonner family on whose land the Town of Washington was planted. James and Henry Bonner were the founders of the township. They have many honored descendants in town and county today.

<sup>18</sup>Rev. Nathaniel Blount, familiarly known as "Parson Blount," was a first cousin of the brothers, John Gray, Reausing, and Thomas Blount, all of whom are mentioned in the journal. He was a student for the ministry under Rev. Alexander Stewart of St. Thomas church, Bath. He was ordained in London in 1773. In the same year he built "Blount's Chapel," now Trinity Church, Chocowinity. The families of Mrs. Thomas Kingsbury of Wilmington and Mr. Levi Blount of Mississippi represent his descendants.

I return'd to Horn's where I spent the evening.

*Monday, December 10.* In the forenoon paid a Visit at Thos. Blackledge's Sally Salter went home by Water accompanied by two young Girls, Louisa Salter & Fanny Batchelor; I went to the water side with them—

This has been a clear cold day. At night I paid a visit to Rachel Shoemaker—

*Tuesday, December 11.* Writing all day at my Quarters till evening, then receiving an invitation from John G. Blount I went and drank Tea at his house. Thos. Blackledge and his Wife were there Blount gives me a general invitation to his house—Doctor Loomis introduced me today to Mr. Hacket, just arrived from Tarborough, and one of Horn's boarders—Captain Scott and Mr. McKim are also boarders in Horn's family.

*Wednesday, December 12.* Dined at Thomas Blackledge's today on Venison by invitation from him last evening—The Venison was tender and excellent, being part of a Fawn that he with others got yesterday just on the back of Town; they went to look for some Hogs; and some Dogs that were along, giving indications of Game being near, upon looking out they saw this hapless Fawn; one of the Com<sup>y</sup> fired, and broke its leg; the Dogs immediately catch'd it.—After Dinner Mr. Stephen Cambreleng calling in, I was introduced to him.

This has been a Cold Day tho' clear, it is said some of the small Creeks are frozen over, a circumstance uncommon here at this Season—

*Thursday, December 13.* In Conversation this Morning at Breakfast, it was mention'd by Capt. Scott that the allowance of provision made to a working Slave, in a part of this State and in South Carolina, was *one peck of Indian Corn per Week*<sup>20</sup>: this he was to dress or cook as he pleased; they are allowed no Meat, they have the privilege sometimes of working a bit of Ground for themselves, out of such time as they gain when Task'd, or on Sundays. One of the Company present, a Stranger I did not know,

<sup>20</sup>This was probably a tale meant to amuse the visitor. The woods were full of small game, and the rivers teemed with fish, a resource then, as now for whites and blacks alike.

told us, that in one of his Voyages to the Coast of Guinea, and at a place called the River Jenk, he was present at the burial of an old Chief or King who had died—The body of the King was in a Coffin of Wood: his people buried along with him five stout Negroe Men *alive*, these were without Coffins, they submitted to this without apparent reluctance, and received some Rum to drink just before they were buried—

In the evening went to Thomas Blackledge's where I drank Chocolate—

*Friday, December 14.* This forenoon rode out on a visit to Colonel Kennedy's<sup>”</sup> about two Miles from Washington he lives near the River side, a large Creek runs by his house, our party was Mrs. Thos. Blackledge in a Sulky, and Lucy Harvey<sup>“</sup>, and myself on Horseback, we dined and drank Tea there, and spent a very agreeable day with Col. & Mrs. Kennedy, their Son John & daughter Miss Absoley, Miss Evans was there on a visit but scarcely spoke—Absoley is a pleasing Character, genteel in her person, mild and amiable in her manners, attentive to the Company; with graveness, a degree of Cheerfulness—She put me in mind of a lady I once loved—We return'd by Moonlight, & Mrs. Blackledge drove thro' the Woods with such Spirit all the way home, Lucy and myself rode full Gallop to keep up with her—

This was Lucy's first ride by herself on horseback, we had scarcely rode one Mile out, before she was able to Canter, tho' our first outset was rather unpromising—I never saw any Girl ride so well on the first trial—

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<sup>”</sup>Colonel Kennedy was a wealthy and leading citizen of Beaufort county. His home here mentioned, was a social center of refined hospitality. The house was built about 1750, and is still standing. The foundation which encloses a substantial cellar is built of brick as are the chimneys and both ends, while the front and back of the house are of timber. This presents an unusual appearance for if you approach from the east or west you expect to enter a brick building, but on arriving at the front or rear entrance you see only a frame building on a brick foundation. The interior was elegant in its day, though now stained by age and abuse. The family burying ground nearby is enclosed by a substantial iron fence, but the handsome marble monuments therein are being wrecked by the ravages of time. The place is now the property of the heirs of General Bryan Grimes, who purchased it after the Civil War.

<sup>“</sup>Lucy Harvey was a daughter of Col. Miles Harvey and sister of Mrs. John Gray Blount with whom she made her home, both parents being dead. She married Major Reading Blount in 1794. They are buried in their family burial plot, on what was their country home of "Bellefont." This place has passed into other ownership and is subdivided into small farms.

I sat a while with the Ladies on our return, then retired to Horne's to my Quarters there I always find a great deal of Company.

*Saturday, December 15.* WASHINGTON is a Town containing about sixty Families, it is situated on the North East side of Tar River about 40 Miles from the mouth of the River and 80 from Ocracoke Bar—the River at Washington is about  $\frac{3}{4}$  of a Mile over but the Channel is narrow, there being flats near the Shore; Vessels drawing  $7\frac{1}{2}$  feet Water come up to the Town when the River is low; when the Water is raised by Freshes Vessels of greater burthen can come there; for about two Miles below the Town the Navigation is impeded by sunken Logs, and by Stumps of large Trees that are supposed to have grown there—From this Town the trade up the River as far as the town of Tarborough at the head of the Navigation, is carried on chiefly in large Scows and Flats drawing but little Water, some of these carry 70 or 80 hogsheads of Tobacco—Tarborough is 50 Miles above Washington and contains about 20 families—

At Washington there are several convenient Wharffes, and there are sometimes lying here near 20 sail of Sea Vessels—Washington being the County Town of Beaufort County there is a Court House and Prison there; and there is a School House—The Lots upon the River are laid out 100 feet front to each Lot.—The Houses are built of Wood a few are large and convenient—

Tar River like many other Rivers of North Carolina has no tide, other than a small rise sometimes occasioned by the Winds driving the Waters, a Vessel at Anchor usually rides with her head to the Wind. Heavy Rains however occasion considerable Freshes when these happen it is difficult setting and poleing Flats up the River, they often then warp up by Ropes fastened to the Trees on the bank.

Mr. Nuttle brought with him to our Quarters this Evening a large Dog, singular for being whelped almost without a Tail, he has now but a short stump about an inch long, it is cover'd with hair just covering the Stump and ending in a point at the bottom of the Stump.

*Sunday, December 16.* Dined with Doctor Loomiss by invitation, there were present Messrs. Leland and Arnett, those two Gentlemen went away directly after dinner, at the Doctor's desire I staid till near evening, after Tea I took leave—We had much talk—He invites me to take Christmas Dinner with him, if I stay in Washington—From the Doctor's I went to Thos. Blackledge's drank Tea there—A good deal of Company was there—

Deliver'd letters to Capt. Kirby for Philadelphia for John Kaigher, Benjn. Horner, William Zane, Richard Adams and Polly Attmore, I enclosed the whole in a cover directed for Kaiger & Attmore. No Fire Engine is kept in the place, neither is there any Fire Buckets, If a Fire should happen in a high Wind, the Town might suffer much.

By many this place is counted unhealthy, some however are of a contrary opinion.

Lately there has been a Rum Distillery established at this place—This is not likely to render the place more healthy—

The Merchants export from this Town, Tar, Pitch, Turpentine, Rozin, Indian Corn, Boards, Scantling, Staves, Shingles, Furs, Tobacco, Pork, Lard, Tallow, Beeswax, Myrtlewax, Pease, and some other articles, their Trade is chiefly with the West Indies and with the other States on this Continent; the Navigation not admitting Vessels of great burthen to come up to the Town; and for a large Vessel to lay below to load at the Anchorage near the Bar, is always inconvenient, and sometimes dangerous.

*Monday, December 17.* Rain last night, and Cloudy and wet today—Capt. Kirby sailed for Philadelphia.

*Tuesday, December 18.* I breakfasted this Morning at Horne's, after breakfast walk'd down to Thomas Blackledge's to enquire if he could accomodate me with a Horse to ride up the Country to visit William Toton on business; I found David Jones there, who inform'd me that he was riding towards Tarborough; and of course would be company for me upwards of 30 Miles; Company is generally desirable upon a Journey, but is particularly agreeable when one is going a road that we have not traveled before, if the person is well acquainted with the Road;—Mr. Blackledge

was out, but Polly ventured to let me have the Horse that I had rode to Newbern,—Mr. Jones invited me to take an early dinner with him, which I accepted, and afterwards we set out, We saw a number of partridges by the side of the Road, they did not take wing on our coming up but run into the bushes, we could have killed a great many of them if we had been furnished with Guns—After riding on we consulted together and agreed that we would cross Tar River at Mrs. Salter's and go on as far as Mr. Grimes with whom both of us were acquainted and stay all night,—We cross'd the River; at this place about a hundred yards over, in a small Scow, and walk'd up a high bank to Mrs. Salter's house<sup>22</sup>, which is near the bank of the River and commands a fine prospect down the River for a Mile or two,—We went into the House, Mrs. Salter is Mother to Polly Blackledge and Sally Salter, that I have mentioned to you before, Sally & her Mother were both at home, as was Peggy, another daughter; a very pretty and agreeable Girl; my fellow Traveller, I soon found, had prepared an oblation, he produced from his pocket several fine Oranges which he presented to the Mother and Daughters, he had also Letters for Miss Sally, from some of her Friends at Washington—Mrs. Salter invited us to stay and take Coffee; and afterwards to lodge there, this seeming to be more pleasing to Mr. Jones, than to go on further, I readily agreed to it—And our Horses were put up. We spent the evening in conversation on different subjects, amongst the rest a good deal was said on Religion—At length Jones & I retired to go to rest, we found two Beds in our room, and proposed to ourselves each to take one to himself, but my fellow Traveller upon examining the one that by tacit consent had fallen to his lot, found it to be without Sheets, this circumstance rather disconcerted him, as I believe he had before heard me say, that I had as lieve sleep with a Snapping Turtle or a Two-Year-old Bull, as with a *Man*. However I soon relieved him by declaring that in present circumstances his Company would not be disagreeable, and we tumbled in and went to Sleep.

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<sup>22</sup>"Mrs. Salter's house" this was the plantation of Col. Edmund Salter, not far from Avon and Grimesland. It was in recent years the residence of Col. Joseph Saunders of Confederate fame.

*Wednesday, December 19.* Jones and I rose early intending to ride on to Mr. Grimes's three Miles from Mrs. Salter's where we made no doubt that we should find a good Breakfast, we bid adieu to Mrs. Salter, who had risen; and pursued our way; we called at Mr. Grimes's we found that he had gone from home, his daughter Betsey that I had seen at Thomas Blackledge's with two other young Women were at home, they were at work in a room below stairs, and we soon found that they seemed rather embarrass'd with our Company; to our Grief, they for half an hour neglected to ask us whether we had breakfasted<sup>22</sup>, being in despair on this head Jones asked if I would ride on, as Mr. Grimes was not at home; with great reluctance I was obliged to answer, Yes,—Then with heavy hearts we bid the Girls, good b'ye, mounted our horses, and rode twelve Miles to Greenville, formerly called Martinsburg; here at the hospitable house of Mr. Johnson, Innkeeper, we relieved our importunate Appetites—Some disappointment like this probably induced Shenstone to write his poem beginning,

*Who'er has travell'd Life's dull round,  
Where'er his various fate has been;  
May blush to think, how oft he's found,  
His warmest welcome at an Inn—*

GREENEVILLE, so called in Honour of General Green, is the County Town of Pitt County; it is situated on the Southeast side of Tar River, at this place about 90 or 100 yards over, when the River is low; tho' near a Mile wide when there are freshes in the River, and it is here about ten feet deep.—The Village consists of about fifteen families, and is a place of some Trade, the planters in the vicinity, bringing their produce to this Landing. The Town stands high and pleasant.

Mr. Jones and I, after eating our Breakfasts walked to Messrs. Easton and Wright's Store at the bank of the River, with the latter I had some business, the former was my fellow passenger,

<sup>22</sup> "They neglected to ask us whether we had breakfasted." This was probably not from lack of hospitality on the part of Miss Betsey Grimes, but was occasioned by the strict etiquette of that day. A young lady of her high position would have committed a social error had she entertained strange young men in the absence of her parents. Her mother was dead and her father and brother absent on business, therefore, "they seemed rather embarrassed with our company."

Mr. Easton invited us to drink some Punch with him, before we continued our Journey, this we did, not because we wanted any, but it is a maxim with me in general not to reject the proffered civilities of any Man: we walked up to his lodgings where I saw his daughter little Sylvia my fellow passenger from Philadelphia—Just as we were about to set off from Greeneville, it began Raining and appeared likely to continue to rain the whole day, we had our Horses led to the Stable again, and after waiting two or three hours, appearances being more favourable, we crossed to the North side of the River in a small Scow and pursued our way—

We rode about 10 Miles, to the house of Wm. Tuton and were informed there, that he was gone to Tarborough and was not expected home for several days, this determined me to accompany Mr. Jones to that place, we accordingly rode on five Miles further and about night fall arrived at the house of Mrs. Cobb, an ancient woman, who keeps a petty Ordinary—We concluded to stay here all night, not being sure of obtaining a lodging in Tarborough if we went there, as we had heard that every house was crowded, the Assembly being then met at that place. Mrs. Cobbs' house consisted of two Apartments, one was the sitting Room, the floor was of Clay or dirt, and there was one Bed in the Room—The other Apartment was floored with Boards and contained four good Beds, two on each side of the Room.—*Mrs. Cobb*; is a Woman between 83 and 84 years of Age, as she told me; she was born in the Isle of Wight County, Virginia, she retains her faculties and is as brisk and lively as most Women of 30 years of Age—She waits on Travellers herself and even goes to the Stable and takes care of their Horses herself. This not from necessity, having assistance enough if she chooses it; but seems to plume herself on her activity, and attention to her Guests and to their Horses—This Woman has near 50 descendants Children, Grandchildren, and Great Grandchildren—We complained on entering the House that the Fire was almost out, she went and brought a load of Wood, threw it on, and with a pleasant air said "There it will be a fire when it burns"—alluding I suppose to the Story of the Fox that made the Ice smoke—We were furnished with a very indif-

ferent supper; but our Horses being well taken care of in regard to food and each one being fastened by himself in a cover'd log Pen, we getting clean and good beds for ourselves were not uneasy.—

Mr. Van Noorden\* and another Gentleman arrived in the course of the evening at this Stage we were now four Guests but we got each of us a bed to ourselves.—

*Thursday, December 20.* We were alarmed in our Quarters before day, by the firing of Muskets at some little distance from the house in which we lay—We found that the firing was at a school House in the neighborhood, of our Quarters, with powder only; tis the custom here for School Boys upon the approach of Christmas, Easter and Whitsuntide, to rebel against their School-master, in order to force him to grant them a holiday; the boys rise early in the Morning and go to the School House, which is considered as their Fort, they barricade the Door and Windows, carry into the house with them victuals and blankets, with water and wood, sufficient to sustain the Siege that they expect from the Master; Upon his approach at the usual School hours, he finds himself shut out, he demands the cause, the Garrison acquaints him that they are determined to have a holiday, this is frequently denied, and now commences the Siege, the Master tries to force his way into the house, they resist him by every means in their power, and sometimes give him some very serious hard knocks, throw Stones &c. It is generally looked upon as a piece of fun; the Master pretends to be solicitous to subdue them, and if he catches any Stragler from the Fort, he will flog him heartily & it is understood on these occasions that the boys are to be peaceable, except during the actual storm of the enemy, when they are at liberty to maul him to their hearts content—This Scene is sometimes continued many days, at last the Master proposes terms, that he grants them so many days holiday; which if satisfactory being accepted by the Garrison, peace is again established in the little community. Sometimes however the Master not being a

\*A street in the town of Washington commemorates Mr. Van Noorden's ownership of a part of the original land.

good humour'd Man & not entering into their views, finds means to subdue the Garrison, and threshes the Ringleaders heartily—

Jones and I, set out about Sunrise from Mrs. Cobb's and rode eleven Miles to Tarborough before breakfast—riding over a Bridge built of Wood at the Town, over Tar River.

TARBOROUGH, is the County Town of Edgecombe County; it is situated on the Southeast side of Tar River, at this place about eighty yards over, the Town contains about twenty Families, and for the size of it has a considerable Trade, it is the highest Town on the River, and Boats seldom go above this place.

—The houses are all of Wood—It is situated on a high flat piece of Ground, and is a very pleasant place.

There is an Inspection house here for the reception and examination of Tobacco, and I am told there is brought to it annually 1400 Hogsheads.—

Tobacco is brought to the Inspecting house at this Landing sometimes in Waggons but more usually rolled, and from the distance of a hundred Miles or more—When brought in Waggons it is pitch'd from the tail of the Waggons without fear of Staving, if judiciously dropt, so as to let the end of the Staves strike the ground first. The method of rolling it to the Landing is as follows two rough Wheels or Cleets are made to the Cask by fixing on, with strong wooden Pins, pieces of Wood hewn in shape like the fellows of a Wheel; these are fastened to the hogshead, at the quarters, or near each end of the Cask; next an axle is made by driving into each end of the Cask, a piece of Wood; squared at one end, to answer a square hole in the heading; this to prevent the Axe from turning in the Cask;—the Shank of it left without the Cask, is made round; a rough pair of Shafts are now prepared, in the ends of which, are holes for those round Shanks to work in as the Hogshead rolls over, sometimes a small square box, is built upon the Shafts, for carrying Victuals, a blanket, or other things; each Hogshead is drawn by two Horses; one placed before the other; and each Horse has usually a Saddle upon his back for the Men bringing the Tobacco to ride when they choose it; and I observed that in coming into Tarborough, they mostly

availed themselves of the indulgence; and came riding into Town with the Tobacco rolling after them. They throw away the Shafts on their arrival and return home on horseback.

It may be here observed that Pitch, Tar, & Turpentine are rolled to the Landing from the Woods, partly in the same manner; in these, the Axle, is one Stick drove quite through the Cask, and wedged so as not to work loose, leaving a Shank at each end which when it arrives, is sawed off, leaving the rest of the Stick in the barrel—They do not take the trouble to fix Cleets to the barrels, the cask rolls upon the Hoops,—Two barrels are often drawn together, the last one is fixed by a box at each end reaching to the end of the Shafts.

The manner of managing Tobacco at the Inspecting house is this—The planter driving up near the door, disengages his Horses; then knocks and splits off the cleets or fellows, which with the Shafts are thrown away; the remains of the wooden pins which fasten'd the Cleets are drove into the Tobacco, till the heads of them are quite through the Staves, that the Cask may Slip off the Tobacco the easier, the Shanks of the Axles are sawed off, the other part remains in the Tobacco and is disregarded: next the Hogshead being set on one end, the hoops of the end now uppermost are taken off and that head taken out; then the Cask with the Tobacco is gently eased down on the bilge, or side, and then the end before downward is raised uppermost; so that the Tobacco now bearing on the Ground, the Cask may be lifted quite away from it, leaving the Tobacco standing without a Case; and easy to be inspected. The work hitherto is done by the Countryman or his Assistant; Now the Inspector is called, who bringing a Crow bar drives it into the Tobacco where he chooses, raising a mass or Cheese of it, so as to examine it in about three different strata or parts of it; if found to be good and merchantable, it is passed and allowed as such. The empty Cask with the head and Hoops being now carried to the large Scales belonging to the Inspector is weighed, and whatever it weighs is marked upon the head, being by Merchants called the Tare of the Cask; next the Cask being again put over the Tobacco, it is again upset, the head and

hoops fixed as at first, then being rolled to the Scales the Cask and Tobacco therein are weighed together, and the gross weight being marked on the head, over the Tare weight first marked; the neat weight of Tobacco may easily be known by subtracting the Tare. The Inspector now makes an entry in his Warehouse Book, of the Hogshead with the weight, and affixes a Number to the Cask, which he also enters in his Book; he gives to the planter a Note or receipt for the Cask of Tobacco, expressing the Number, weight and Tare, and receives the Hogshead of Tobacco into the Warehouse, where it may lay till the Tobacco of the next Year comes in; the Planter pays for its examination and Storing Five Shillings.—The Planter has now no further trouble with the Tobacco; his Note or Receipt is transferable like a Bill of Credit merely by the possession of it, and he may sell his Note when or where he pleases; the buyer when he wants to remove the Tobacco, presenting the Note, and the identical hogshead is delivered to him—Confusion is prevented, by numbering all the Tobacco that comes into the Warehouse in one Crop, regularly from No. 1 to the end.

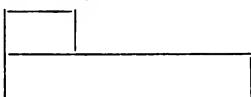
If the Planter has any ordinary Tobacco in his Cask, it is taken out, and he may sell it to whom he pleases, but cannot get a Note for it. The Inspection or Warehouse is a large framed house of Wood; it is 160 feet long and about 50 feet broad.—It is near the bank of the River.

A new regulation is proposed in this State in regard to Tobacco to class it in three divisions, No. 1, to be of the first quality, No. 2, of the second sort, and No. 3, to include all ordinary and trash Tobacco however mean without rejecting any.

We found upon our arrival at Tarborough the place much crowded; the Legislature being sitting for the dispatch of business—The size of the Town appear'd so inadequate to the comfortable accomodation of a Legislature composed of about 120 Commons or Delegates and about 60 Senators, together with the people attending the Sessions in business or going there on motives of pleasure that you will not easily believe that it was possible to

provide for them, Yet provided for they were. and they said themselves, very comfortably; One old Countryman said that he had cause to be satisfied that he lived there much better than at home.—

Captain Toole a Trader, and for the time Innkeeper provided for 40 or 50 Members, with a great number of others; every family almost received some of the Members; Beds were borrowed from the Country, 3 or 4 placed in a room, and two of their Honors in a Bed—provisions were in plenty, Horses were mostly sent to Farms in the vicinity of the Town—Mr. Faulkner who formerly resided sometime in Philadelphia brought hither his E O Table; Gambling was carried to great extent, at this Table and also at other Games; at times several of my acquaintances have told me of their losses,—A Trader of Newbern lost in one night 600 pounds—Some attempts were made to represent some dramatic pieces, but with very bad success—Two of the Actresses were Adventuresses from Charleston. I rode up to the house of Captain Toole, situated at a corner of two Streets, in the middle of the Street that crosses by the side of his house there was a place for horses to stand, composed of two posts set in the ground at about 15 feet distance from each other on the tops rested a cross piece with Pins at intervals for fastening the Bridles, here stood a dozen horses, and here I fix'd mine with the rest—till I should be able to get a place for him—Going into the front Room I found the Table laid for Breakfast in two rows, I waited some time by the fire side, when the Breakfast being brought in, I hung up my Hat and without any Ceremony took my Seat amongst the Crowd; Legislators, Planters and Merchants, After being all seated I lifted up my eyes and saw that I had committed a faux pas, every Man but me had kept his Hat on—However this made but little difference, I only determined to keep it on next time—We had a tolerable Breakfast—my friend Jones, had gone to breakfast with an acquaintance—I found Mr. Thomas Stuart here whom I had seen at Newbern, he kindly offered to show me the way to the Court house where the Assembly sat, having accepted his

offer, we walk'd up; the Court House is a large wooden building of two Apartments, built in this form  and standing on brick Pillars; in the long Room the Commons met, in the other the Senate—Any person is at liberty to go and hear the debates of either House, Standing uncover'd without their Bar—The bar at the Senate was a Board laid across two old Trunks, standing on the ends which served very well pro tem.

The Bar of the Commons House was the Court Room Bar—Every Member sat with his Hat on except when addressing the Chair—The business before the house not being very interesting I soon retired—But soon after hearing that the new Governor was to be Sworn into Office I returned. There was now a joint Meeting of the two houses in the large Room, a Committee of 3 or 4 gentlemen went to him, they walk'd together to the House all the Members rose on his entering, the usual Oath of Allegiance to the State and Oath of Office as Governor being by him distinctly repeated and sworn, he retired to his lodgings, there being no Ceremony of Proclamation—

Retiring from thence, I soon after met my fellow passenger Mackie, taking a walk with him We called at Mr. Clement's Store, I was introduced to him—Next I took a walk to the house of my friend Richard Blackledge, he was at home and introduced me to his Wife, an elegant Woman, to Miss Brannon and to Miss Hill who were at his house,—He invited me to dine—

Leaving Blackledge—I was introduced to Mr. — Ross, a Merchant—At dinner I returned to Richard Blackledge's, here was a large Company, amongst others Judge Williams\*. I was introduced to some of the Company, and during Dinner an Argument arose between one of the Gentlemen present, and the Judge, respecting Slaves; the Judge wished that there was an immediate addition of One hundred Thousand Slaves to the State; I soon became a Party and we had a good deal of conversation on the subject I principally endeavour'd to shew the political inexperience

\*Judge Williams of Williamsboro.

dience of the practice of keeping Slaves by argument on the advantages a State having none but Free Citizens must have over a State encumber'd with Slaves in case of a contest for power; and by shewing the disadvantages to posterity from the practice.—With just glancing a few hints on the general rights of Mankind, such as I thought that my auditory might bear—The Judge frankly declared that his views were for the present ease and affluence; and said that he admitted our Great Grandchildren wou'd be Slaves.—Here seemed to rest our Argument. I now took a walk, afterwards Mr. Jones coming to look for me I return'd to Tea in the evening, Doctr. Williamson was there to whom I was introduced. After some Conversation I took a walk up to Tooles, here I saw my fellow passenger Billy Ford, he had a black eye and wore a silk Handkerchief tied over it, upon enquiry into the cause of this disaster, he inform'd me that there had been, an evening or two before a jovial meeting of some of the members of the Legislature, in the Court House, when he standing up to entertain them with the exhibition of "Bucks have at ye all" Some of the Company grew riotous, Somebody threw an Orange Skin and hit him in the eye. Somebody also threw the Leg of a Turkey which miss'd him, but fell not, guiltless to the floor, giving Toole a violent blow on the back.— He invited me to go upstairs to be introduced to some great Men, but I was engaged—

Soon after parting with Ford my attention was engaged by a Quarrel in one of the Rooms below a Stout Man in Liquor wanting to fight with another Man not so disposed;—He endeavour'd all in his power by opprobrious words & otherwise to provoke the quiet Man to strike him first, in order to avoid being indicted for an assault, and as the phrase is here "To Quit the Law," amongst other expedients he lay down on the Floor, upon his back with his Legs and Arms extended calling "Now strike me" "Kick me"—Stamp upon me"—but his Adversary was not to be provoked to give him an opportunity to make battle with impunity.— After taking a drink of Porter with my friend John Whitall at Toole's, tired with the different Scenes of the day I began to think of a bed—I had asked of Mackie to let me have a part of his Bed in the Store, I went there, he told me I could be accomodated with

a spare Bed in the house, and going out Mr. Gilchrist his brother's partner came in, and invited me into the house, here he introduced me to Samuel Johnston Esqr. the new Governor, to General McDowell, and other Gentlemen, Colo. Davie was here, to whom I was introduced at Newbern,

The Governor and I, had a long conversation on various topics, and I retired to bed pretty late.

*Friday, December 21.* I breakfasted at Capt. Toole's—Afterwards I saw William Ford who invited me to dine with him, this did not suit today, he invited me to call in the forenoon and take a glass of Wine with him, this I did—

Having this Morning seen Mr. Gilchrist, he told me that he had expected me to Breakfast: he invited me to dine with him, and desired that David Jones would come also.— I took a walk to the Tobacco Inspection; the price of that article is 50/ per 100 lb. part to be paid in Goods— David Jones and I went to dine at Mr. Gilchrist's, after Dinner the Governor came in; most of the Company except him retiring, he & I had a long tête a tête Conversation— He kindly invited me to pay him a Visit if I should come in the neighborhood of Edenton where he resides, which I Promised. In the evening I went to visit William Tutton at Mr. Greir's, here was Benjamin Brown and William Ford— In the evening I walk'd to Richard Blackledge's where I took Tea, then returned to Mr. Greir's where I eat Supper— Two back country Assembly Men came in, one named Gardner from Surry County, we had a long conversation on the subject of paper Money; one of the Assembly Men seemed to think Merchants of little benefit to the Country and said that he wished there were none for 100 Years to come. It growing late we could not end our subject, but the Assembly Men said that next evening they were at our service for further debate. I staid and slept with Benjamin Brown.

*Saturday, December 22.* I breakfasted and dined at Toole's. There was Snow, Sleet and Rain all day—They were out of Wood at Toole's, and we suffer'd there for want of Fire— In the evening I saw Mr. Gilchrist, he invited me to lodge at his House, letting me know that he expected me last night. I drank Chocolate there.

The Governor was there, and I had another long tête à tête Conversation the early part of the evening with him on the Slavery of the Negroes, on Liberty, about many of our acquaintances; their Houses &c. General McDowell\* afterwards came in, we had a deal of conversation, he told us about his Wars with the English, the Indians, and the Bears; he was one of those Commanders who defeated & killed Colo. Ferguson at King's Mountain, he is an elderly Man his Locks are beginning to Silver over. General McDowell related his killing some Bears nearly as follows—

"There was a large old Tree with a hole in it, very high up, "some of us went there, and we thought it was likely there was a "Bear down that hole, I got an Indian Ladder (this is a Saplin "with the Limbs cut off, about a foot from the Stock so as to "take hold with the hands and feet in clim'ing) this Ladder, I set "up against the Tree, and getting a long Pole with a flaming "brand on the end of it, got up the Ladder, with the Pole, and "held the Fire to the hole in the Tree which soon took Fire, the "Smoke and heat forced out a full grown Bear who descended so "fast, I was at last obliged to drop myself to the ground, here I "had left my Gun, and just as the Bear was reaching the Ground, "I fired and broke his back, we then dispatched him with the Axe, "— Soon after another Bear called a Yearling came out and de- "scended we knock'd him on the head also with the Axe— And "there came out of the hole, one more Bear, also a Yearling, he "ran out upon the boughs of the Tree, and there being a bad "Marksman in the Company, We set him to Shoot this Bear, and "after firing many times he at last hit him and brought him "down—"

As I grew very sleepy I retired to bed. This evening the Assembly finished their Session and broke up.

*Sunday, December 23.* It is very much the custom in North Carolina to drink Drams of some kind or other before Breakfast; sometimes Gin, Cherry-bounce, Egg Nog &c. several of the Assembly Men, this Morning indulged themselves in this respect.

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\*General McDowell was probably Charles McDowell as he was older than his brother Joseph; both were participants in the battle of King's Mountain.

General Thomas Parsons came in and staid a short time—I breakfasted at Mr. Gilchrist's and dined at Captain Toole's.

The Assembly Men push'd out of Town this forenoon in great numbers, many of them appearing very anxious to get home.

In the afternoon I paid a visit at Richard Blackledge's, drank Tea there. The company there, were Mrs. Harvey<sup>27</sup>, Doctor Williamson<sup>28</sup>, Major Blount, Colonel Thomas, &c. We had a good deal of conversation.

I went to Mr. Gilchrist's to lodge.

*Monday, December 24.* I breakfasted at Mr. Gilchrist's today, & dined at Capt. Toole's, I visited William Tuton upon business, he offers payment in Lands for a demand we have, could not agree about the terms.

The Assembly of North Carolina, consists of two Commons and one Senator for each County in the State; of these Counties there are about sixty.

The Legislature meet the first Monday in November by Law,— Some of them came to the Assembly to Tarborough 800 Miles, these came from the settlements about Cumberland River. These Members encamp in the Woods returning home, part of the way; the country is settled as far back as 3 or 400 Miles.

In the evening I rode out to Edward Hall's Farm about two Miles from Tarborough upon business, he inviting me to stay all night, I accepted his invitation—The evening Moon light, and has been a fine day.

*Tuesday, December 25.* This Morning according to North Carolina custom we had before Breakfast, a drink of EGG NOG, this compound is made in the following manner: In two clean Quart

<sup>27</sup>"Mrs. Harvey" was Ann Blount, widow of James Harvey, the young son of Col. John Harvey the distinguished Moderator of the Assembly held at New Bern, in 1774. She made the trip on horseback from Pitt county across the mountains into Tennessee to visit her brother, Gov. William Blount. She died there and her remains rest near his in the Presbyterian churchyard, in Knoxville, Tenn.

<sup>28</sup>Doctor Hugh Williamson, though born in Pennsylvania, was largely associated with North Carolina. He represented Edenton in the House of Commons in 1782, and was sent to Congress from that district in 1784. He was one of the signers of the Constitution from this State. He was again in Congress from 1790 to 1792. He wrote a history of North Carolina in 1812.

Bowls, were divided the Yolks and whites of five Eggs, the yolks & whites separated, the Yolks beat up with a Spoon, and mixt up with brown Sugar, the whites were whisk'd into Froth by a Straw Whisk till the Straw wou'd stand upright in it; when duly beat, the Yolks were put to the Froth; again beat a long time; then half a pint of Rum pour'd slowly into the mixture, the whole kept stirring the whole time till well incorporated.

After Breakfasting I returned to Tarborough. I dined with Andrew Grier. After dinner saw a dance of Negroes to the Banjo in his Yard.

In the afternoon I set off for Washington, after riding a few Miles I overtook Brown, Tutton &c. who were going down the Road,—We stopt at Mrs. Cobb's, took a drink, and rode to Jone's Tavern being some in the night.

We arrived in the heighth of a quarrel there between two Men; the Landlady applied to me to part 'em, I told her "No, let them settle their own differences."—They were going to fight out in the Road, when one of the company declared he wou'd massacre the Man who should attempt to Gouge, (that is, endeavors to run his thumbs into the eyes of the other, scoop out his eye balls) Womble, one of the disputants declared "I cannot fight without a Gouge" One of the company supported his declaration saying "Ay! A Gouge all weathers, by G—. the terms were not accepted; their passions cooled by degrees and the gouging Man said, "tho I am but a little "Shoemaker, I won't be imposed upon" I replied You may be a Shoemaker perhaps, but you are

*[A page of manuscript is missing here]*

In some places on the way, there appears amongst the Trees a very luxuriant herbage one sort called Reed, appearing like our Meadow Tussocks as we call them, is now green and continues so all winter—And another kind which now looks brown, like dead Grass, but grows green toward Spring,—both are excellent for Cattle—

The Settlements along this Road are but few—I was overtaken in the Woods by a Man in a homespun Jacket and ragged Trou-

ers, mounted on a Poney a little bigger than a Goat, the first notice I had of him was by his giving a Whistle behind me.

I grasped a loaded Whip, and turn'd it in my hand; looking round me, with some little apprehension from the loneliness of the place—He came up, and rode about two or three Miles with me when he left me. I found by his conversation that he was a Tar burner. We had a variety of Chat,—Amongst other talk he told me that two Wolves had been killed about a fortnight before near the place we then were—

After parting with this honest fellow, I rode on, trusting my Horse to chuse the Road and his choice . . . . did credit to his Sagacity—except once where there happen'd to be a Post of direction—Here he Seem'd to incline to go contrary to the direction on the Post which conduct I could not account for as it was clear he was not making homeward, till afterwards upon enquiry I found his Owner had been used to ride up that Road while Courting the lady now his Wife; and that place was still the habitation of some agreeable young Ladies,—perhaps his intention was to introduce me there.—

After riding 25 Miles I arrived at Mr. Pearce's where I got dinner and rested my Horse. There was playing at his door five Negroe Children every one dress'd in a Shirt only—Clothes are not bestowed on these Animals with much profusion—At Johnson's one was Walking abot. the Court Yard absolutely naked, and in Newbern I saw a boy thro' the Street with only a Jacket on, and that unbuttoned.—

From Pearce's I rode five Miles to Mr. Blount's Ferry at Tar River here two Negroes rowed me over to the Washington Shore where I landed at Sunset—

Being fond of remarking upon the tempers of Men and upon human Nature in general, under every appearance and circumstance I thought proper to interrogate Polydore one of the Negroes who rowed me, in respect to his condition as follows—

ATTMORE, Where was you born, boy?

POLYDORE, I was born in Guinea.

ATTMORE, Don't you want to go back to your Country?

The other Negroe answers—He is fast, he can't go.

POLYDORE, I have learnt another Language now, they will kill me if I go back to my home—

ATTMORE, How came you brought from yr. Country,

POLYDORE, I went with many more to attack a town, where they were too strong for us, they killed a great many, and took 140 of us prisoners, and sold us.—

ATTMORE, Had you not better have let them alone and remained in peace at home?

POLYDORE, No—My Nation always fight that Nation—

ATTMORE, And what would do if you return'd to your Country now, wou'd you be quiet?

POLYDORE, No—I go there, and fight 'em worse than ever.—

As we got to Shore at this period, I gave my two ragged Ferry-men a small present, for which they were thankful—And Galloped up the Shore to my former Quarters at Blackledge's Here I found Miss Sally Salter, & Miss Absoley Kennedy,

*[The remainder of the manuscript has been lost, save the next page, a fragment descriptive of New Bern.]*

NEWBERN, is a Town situated on a point or Neck of Land at the confluence of the Rivers Neuse and Trent, each of these Rivers are at the Town about three quarters of a Mile wide, the Town contains about 500 or 600 Houses which are mostly built of Wood, this place is generally reckon'd to be the Capital of North Carolina, tho' the Legislature do not always meet there, the Neuse is navigable for Sea Vessels about—miles above the Town and for Scows and Flats about Miles—The Trent is navigable above the Town for Sea Vessels about Miles and for Flats and Scows about Miles—

There is an elegant house in this place called the Palace, formerly the residence of the Governor many of the houses are large and commodious some are one story and some two Stories high.

There are to many of the houses Balconies or Piazzas in front and sometimes back of the house, this Method of Building is found convenient on account of the great Summer Heats here—These Balconies are often two Stories high, sometimes one or

both ends of it are boarded up, and made into a Room. There are convenient Wharves at Newbern, these are mostly on the Trent side of the Town where the Shipping generally lay—Vessels drawing 9 feet water can come up to the place—There is a small church\* here with a square tower, Cupola and Bell & it is the only place of Worship in the Town. This place being the County Town of Craven County, there is a brick Goal here, and a Court House, the latter is raised on Arches; the Courts being held upstairs, the lower part serves for a Market place; tho' but little provisions are carried there; people coming in Boats or Canoes sell their Marketting at the River side.

\*This was the present "Christ Church" New Bern, originally Craven Parish, established by the Vestry Act of 1715. (See Colonial Records Vol. II p. 209). The two royal Governors, Tryon and Martin attended this church during their occupancy of the Palace. A very handsome silver communion service and alms basin, also Bible and Prayer Book, each bearing the Royal arms, the silver engraved "presented by George the II, King of England," are in the possession of the present Christ Church. The records of this Parish were destroyed by fire many years ago, and the tradition to which the memory of man runneth not to the contrary is that these particular articles were presented to Christ Church by George II.

However, Bishop Joseph Blount Cheshire is inclined to the belief that this eucharistic service with accompanying Prayer Book and Bible were originally given to the Royal Chapel of St. Philips, at old Brunswick and that when New Bern became the seat of the Royal Government under William Tryon he transferred these sacred and beautiful articles to Christ Church, New Bern, and gave it the distinction of being the "Royal Chapel."

To the historian this belief is quite tenable and only enhances the historic interest that clusters around this old Parish.







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BY ROSSER HOWARD TAYLOR

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## SLAVEHOLDING IN NORTH CAROLINA: AN ECONOMIC VIEW

By

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Instructor in History in the University of North Carolina*



## FOREWORD

From the economic standpoint, there was probably a greater variety of slaveholding interests in North Carolina than was to be found in any of the slaveholding states. The situation was unique in that both cotton and tobacco were grown on a considerable scale. The Carolina tobacco belt was a southerly extension of the Virginia belt; and hence the slaveholding régime in this area was not unlike that in the Virginia piedmont. Cotton was grown over widely scattered areas, but attained the proportions of a major crop in only two districts. The one, comprising the counties of Edgecombe, Bertie, Pitt, Martin, and Lenoir, was located in the eastern part of the State; the other, comprising the counties of Mecklenburg, Iredell, Union, Anson, and Richmond, was located to the southwestward. Between the two districts, in the region of the sand-hills, lay the greatest extent of the turpentine belt; and farther to the southeast, near the coast, rice was a leading staple. The one important crop grown everywhere was corn.

The State was thus divided into a number of rather well-defined economic districts in which there existed a variety of practices in the work and management of slaves. The development of slavery in relation to the prevailing industries in the several districts of the State had been studied with a view to showing how industry was conditioned by the slave régime and *vice versa*. By the use of plantation records, an effort has been made to discern the chief problems which confronted slaveowners in the management of their establishments. Lastly, an inquiry has been attempted regarding the profitableness of slaveholding in different periods. To supplement Chapter I, which deals with the economic foundations of slavery in the eighteenth century, the "Importation of Slaves" has been treated in Chapter II.

Material of any kind for the early phases of slavery is fragmentary, the chief reliance being the *Colonial Records*, Legislative Papers, early histories, and wills. For the nine-

teenth century, there is a greater wealth of material, including the *Ruffin Papers*, *Murphey Papers*, Legislative Papers, farm journals, newspapers, and plantation records. The main repositories of this material are the State Library and the North Carolina Historical Commission at Raleigh.

This study was undertaken as a doctoral dissertation for the University of Michigan, and I wish to express my gratitude to Professor U. B. Phillips for a critical reading of the manuscript, and for helpful advice at all stages of its preparation. To the entire staff of the North Carolina State Library, and to Miss Mary Thornton of the library of the University of North Carolina, I am indebted for courteous assistance. I desire also to acknowledge my obligation to Mrs. J. M. Winfree of Raleigh for permission to use the *Devereux Plantation Book*. To my colleagues in the University of North Carolina, Professor F. B. Simkins and Mr. H. T. Shanks, and to my wife, who has rendered very material assistance in putting the manuscript in its final shape, my thanks are due.

R. H. TAYLOR.

Chapel Hill, N. C.

Feb. 12, 1925.

## CHAPTER I

### SLAVEHOLDING IN THE EIGHTEENTH CENTURY

Negroes, whose status prior to 1715<sup>1</sup> is somewhat in doubt, were first brought into North Carolina by pioneer settlers from Virginia. However, since both negroes and white settlers were originally from Virginia, it is reasonably certain that the negroes, through force of custom, were kept in much the same status as the negroes in Virginia; this notwithstanding the fact that the Albemarle section was freely derided as affording a refuge for servant debtors and runaway slaves.<sup>2</sup> Concerning slavery in the seventeenth century virtually nothing is ascertainable except as to proprietary instructions. These instructions, while revealing practically nothing as regards the conditions of slaveholding in the colony, indicate that the proprietors consistently encouraged the bringing in of slaves by offering grants of land, not in excess of fifty acres, to bona fide settlers for each imported able-bodied slave above the age of fourteen years.<sup>3</sup> It is not, however, until the close of the first decade of the eighteenth century that any data indicating the number of slaves in the colony are available. In two letters, written in 1709 and 1710, the Reverend James Adams stated that in the parish of Currituck there were 539 "souls" of which 97 were negroes, while in the neighboring parish of Pasquotank, out of a total population of 1,332 persons 211 were negroes.<sup>4</sup> There was an increasing esteem for slave labor as evidenced by the efforts of the early planters to obtain young negroes to bequeath to their sons and daughters,<sup>5</sup> and by the remark of the missionary, John Urmstone, who deemed the sons of the old planters particularly fortunate in having a great number of

<sup>1</sup> So far as the records show, it was not until 1715 that an act of the Assembly gave legal sanction to the institution of slavery in the colony.

<sup>2</sup> *Colonial Records of North Carolina*, I, 371. Hereafter this publication will be cited as "C.R.," and the State Records of North Carolina as "S.R."

<sup>3</sup> C.R., I, 87, 182.

<sup>4</sup> *Ibid.*, I, 720, 722.

<sup>5</sup> Grimes, *Abstract of North Carolina Wills*, pp. 257, 262, 303, 324.

slaves who understood most handicrafts.<sup>6</sup> Notwithstanding, labor and capital were scarce; and the early settlers, left somewhat to their own devices, resorted to small-scale farming in which slave labor was an important, but by no means a controlling factor.

Throughout the proprietary period and in some degree to the close of the eighteenth century slave labor was not, as a rule, quite so efficient as it came to be at a later date. Numerous advertisements in colonial newspapers for runaway slaves disclose that many of them spoke broken English and bore on their bodies unmistakable signs of having been born in Guinea. Such a class of labor was fitted only for the crudest work; but gradually, through training and contact with the whites, there developed among the slaves born in the colony a class of labor equipped for farm and plantation work.<sup>7</sup> With the advent of trained slave labor, slavery passed from the experimental stage to a stage of permanency and became a controlling factor in the social and economic life of the community.

Perhaps the chief demand for slave labor arose in connection with the growing of tobacco in the region between Albemarle Sound and the Virginia boundary. Governor Dobbs, in his report to the Board of Trade in 1764, remarks, "tobacco will flourish in the colony, but is only grown near the Virginia line, where about 2000 hogsheads are made, but chiefly exported from Virginia."<sup>8</sup> The early cultivation and harvesting of tobacco was a simpler process than that in vogue in the bright leaf tobacco belt at the present time. The small plants were transplanted by hand, and in the cultivation of the plants hoes instead of plows were used with the result that more labor was required for a given unit of land than is necessary at present. In colonial times the grown stalks were cut when ripe, hung on sticks, and placed in a well-ventilated barn for drying.<sup>9</sup>

<sup>6</sup> C.R., I, 764.

<sup>7</sup> Brickell, *Natural History of North Carolina*, p. 272.

<sup>8</sup> C.R., IV, 1029.

<sup>9</sup> Bruce, *Economic History of Virginia*, I, 440. A furnace for curing tobacco was invented about 1860. See *Southern Planter*, Jan. 1861, p. 49.

The process of preparing the tobacco for prizing and marketing was simplified by making but three grades of the entire crop,<sup>10</sup> and the subsequent rehanging and bulking for prizing in hogsheads was largely a matter of routine. Despite the simple methods of cultivation and harvesting, the successful handling of a crop of tobacco called for a certain amount of training. Only the slaves of trusted judgment were employed in cutting the ripe stalks, but all able-bodied slaves were used in hoeing the plants and in "breaking out" the suckers.<sup>11</sup> Even small children were useful in killing the worms which fed on the plants during the three or four months between the transplanting and the harvest.

The price of tobacco was uncertain and often disappointing. As early as 1666, complaint was made that the tobacco market had been glutted "for divers years past, and for that reason is come to that low rate that were the times peaceable and the trade open it would not purchase necessaries for the planters."<sup>12</sup> For remedy, it was recommended by the Lord Proprietor and the General Assembly of Maryland that there be a cessation of tobacco planting throughout Maryland, Virginia, and the Southward plantations for one year. Such an agreement was made at James City, Virginia, July 12, 1666; and, accordingly, no tobacco was lawfully planted in the three colonies in 1667.<sup>13</sup> Upon complaint by the Virginia planters that the Carolina tobacco was not inspected and that the Carolina planters were under no regulation as to the making and planting of tobacco, the Virginia Assembly, in 1679 and again in 1705, passed laws prohibiting the importation of Carolina tobacco into Virginia.<sup>14</sup> As a result of the enforcement of this prohibition, the Albemarle growers labored under a great disadvantage in the marketing of their staple, as they were forced to rely mainly

<sup>10</sup> Phillips, *American Negro Slavery*, p. 83.

<sup>11</sup> Suckers are sprouts which grow out of the tobacco stalk just above the original leaves. They consume much of the sustenance which should be assimilated by the mother plant.

<sup>12</sup> C.R., I, 117.

<sup>13</sup> *Ibid.*, I, 144.

<sup>14</sup> Hening, *Statutes at Large of Virginia*, 1705, Ch. 5.

upon the precarious practice of selling their tobacco to New England traders whose sloops penetrated the sounds and rivers of the Albemarle region.<sup>15</sup>

The low price of tobacco brought great economic distress to the Virginia planters in the latter part of the seventeenth century;<sup>16</sup> and this distress, of course, was felt in Albemarle, although perhaps not so keenly, as wheat and corn were there grown in abundance.<sup>17</sup> Notwithstanding the difficulties under which tobacco was marketed, the Albemarle growers, unable to shift to a more profitable staple, continued to employ their slaves in its production.

Keeping in contact with the southern boundary of Virginia, the area of tobacco culture shifted westward in the wake of the frontier, and with it went slavery. In 1756 warehouses for the inspection of tobacco were maintained at convenient points for shipping in Pasquotank, Perquimans, Chowan, Bertie, Edgecombe, and Beaufort counties.<sup>18</sup> A movement of Virginia planters with slaves into the northern and central counties, about the middle of the eighteenth century,<sup>19</sup> undoubtedly promoted the extension of tobacco culture into the piedmont where the soil was adapted for growing the better grades. By 1786, the cultivation of tobacco was well established in Northampton, Halifax, and Warren, in which counties there were heavy black populations.<sup>20</sup>

There was probably no colonial industry identified with frontier conditions in which slave labor could be more economically employed than in the gathering of naval stores. With the exception of the edged tools used in "chipping" or "barking" the pine trees and in cutting the turpentine "boxes"

<sup>15</sup> Ashe, *History of North Carolina*, p. 117. Governor Burrington's report on the State of the Colony in 1733 in *C.R.*, III, 430, recites: "The trade of this colony is on so bad a footing that it is thought the people who traffick with New England and Virginia merchants lose half the value of their goods."

<sup>16</sup> Wertenbaker, *Virginia Under the Stuarts*, p. 232.

<sup>17</sup> *C.R.*, I, 663.

<sup>18</sup> *Ibid.*, V, 42, prefatory notes.

<sup>19</sup> J. S. Bassett, *Slavery and Servitude in the Colony of North Carolina*, (Johns Hopkins University Studies, XIV, Nos. 4 and 5), p. 18.

<sup>20</sup> *S.R.*, XVIII, 433.

at the base of the chipping, most of the equipment could be made on the ground where the work was undertaken. The barrels to receive the sap of the pine trees were made by coopers from the staves, "split from pine logs shaved and trimmed," and then hooped with split oak saplings. Considerable skill was required for making barrels, but a number of slaves in each community were brought up in this trade. Conditions of life in the pine forests were rude and primitive, and in contrast with life on the plantations, the owner of a turpentine forest was at no pains to provide comfortable living quarters for his family and slaves. Both whites and blacks, for the most part, lived in rude huts and practiced a severe economy.

Prior to about the middle of the eighteenth century, turpentine was not so much in demand as tar and pitch; and it was not until about 1800 that turpentine was distilled at the place of production.<sup>21</sup> Tar and pitch, used in the construction and maintenance of sailing vessels, found a ready market in England; but, owing to the generally inferior quality of the naval stores exported from the colony, the price was not always satisfactory.<sup>22</sup> While the production of tar and pitch did not admit of any great concentration of labor, slaves were commonly employed in this business during the dull seasons. Tar was made by burning fat pine in the following manner:

"Then they take the lightwood which they pile up with the ends of each placed slanting towards the center of the Kiln, which is generally made taper from the ground; afterwards they cover it very secure with clay earth or sods to keep in the flames. After this is done they set it on fire at the top, the weather permitting, which must be neither too dry nor too wet. By this means the tar runs into the center, and from thence into the funnel, where they attend day and night with ladles to put it into barrels prepared for the purpose till the kiln is burnt out, which is generally in eight and forty hours or less."<sup>23</sup>

<sup>21</sup> *Bulletin 229*, U. S. Department of Agriculture, 1915, p. 3. For further details regarding the naval stores industry see Ch. III, pp. 47-50 *infra*.

<sup>22</sup> C.R., IV, 8. A merchantable barrel of turpentine of thirty-one gallons was made ratable at £1.5s in 1723. *Ibid.*, IV., p. 293.

<sup>23</sup> Brickell, *Natural History of North Carolina*, p. 266.

Where the market was distant and the larger streams nearby, the marketing of naval stores was facilitated by the use of natural waterways; but, in case the streams were not conveniently situated, barrels of tar drawn by horses were rolled to market "by an axis which goes through both heads."<sup>24</sup>

It is impossible to ascertain the extent to which slave labor was employed in the naval stores industry prior to the nineteenth century. As a rule, farming was undertaken in conjunction with the naval stores industry except, perhaps, in the pine barrens where the poverty of the soil discouraged agriculture.<sup>25</sup> The will of Dennis MacClendon of Bertie County (1725) recites: "I desire my two negroes . . . in ye winter to make pitch and tar and freight it away to New England for such goods as shall be best for my wife."<sup>26</sup> In 1750, John Peyton Porter of Beaufort County requested in his will that certain negroes be kept on a specified tract of land to make tar and turpentine in order to raise money.<sup>27</sup> Governor Burrrington, reporting on the state of the Province in 1733, said: "Upon application from some men who employ their slaves chiefly in making tar and pitch that less quantities would be made and their business cramped if they were not permitted to take up more than fifty acres for each person in their families, I was prevailed upon to sign warrants for a small quantity beyond that complement, the land was barren and unfit for cultivation."<sup>28</sup> Governor Johnston, in a letter to the Board of Trade, December 12, 1734, stated that more tar and pitch were made in the two Carolinas than in all the other provinces on the continent, "and rather more in North than in South Carolina."<sup>29</sup>

<sup>24</sup> Henderson, *Washington's Southern Tour*, p. 79. One horse drew two barrels.

<sup>25</sup> See C.R., III, 431.

<sup>26</sup> Grimes, *Abstract of North Carolina Wills*, p. 266.

<sup>27</sup> *Ibid.*, p. 295.

<sup>28</sup> C.R., III, 431. In 1764 the export of naval stores from North Carolina amounted to 36,647 barrels. C.R., V, 42, prefatory notes.

<sup>29</sup> *Ibid.*, IV, 5.

There was a considerable body of slave labor in New Hanover County<sup>80</sup> employed in the cultivation of rice. Rice culture was largely confined to the tide water lowlands of the Cape Fear River, supplying in large measure the physical basis for the wealth and culture of that region—a region which played a conspicuous rôle in the history of the colony. The method of cultivation involved the periodical flooding of the fields with fresh water from the neighboring streams or reservoirs. The fields were seeded between March and May and the rice was harvested in September. Hoes were used exclusively in the cultivation, with the result that the ratio of labor to land bulked large. The reaping and threshing were done by hand in primitive style,<sup>81</sup> thus exacting from laborers a great amount of physical exertion. Indeed, so fatiguing was this labor that a certain "Lady of Quality," who visited the Cape Fear section in 1775, said, "The labor required for the cultivation is fit only for slaves, and I think the hardest work I have seen them engaged in."<sup>82</sup> Within the area of rice culture, rice was by no means a subsidiary crop; but it does not appear to have been cultivated to the exclusion of such crops as corn, wheat, and indigo.<sup>83</sup> For example, a plantation about six miles from Wilmington, sometime the residence of Robert Schaw, embraced upwards of 100 acres of high land cleared and under fence, and about fifty acres of rice land, twenty of which had been ditched.<sup>84</sup> Again, the plantation known as Castle Hayne, situated eight or nine miles northeast of Wilmington, embraced 1500 acres of land, 500 of which were cleared, with rice fields comprising seventy acres.<sup>85</sup>

<sup>80</sup> In 1756 the negro population of New Hanover County exceeded that of any other county in the colony, *C.R.*, V, 603.

<sup>81</sup> See Phillips, *American Negro Slavery*, p. 90.

<sup>82</sup> Andrews, *The Journal of a Lady of Quality*, p. 194.

<sup>83</sup> Georgia Historical Society *Collections*, II, 55-60.

<sup>84</sup> Advertisement in *North Carolina Chronicle*, Dec. 6, 1790.

<sup>85</sup> Advertisement in *Wilmington Gazette*, Mar. 9, 1798. Mr. DeLancey Evans of Warrenton, Va., an authority on rice culture in America, states that the Cape Fear River marked the northermost limit in North America of rice culture by irrigation; and that so clearly defined was this northern limit that the quality of the rice on the south side of the Cape Fear was superior to that grown on the north side.

During the Revolution the orderly processes of industry were interrupted. British armies scattered the slaves in the State and carried others beyond its limits.<sup>86</sup> In 1779, the State government confiscated the slave property of numerous proscribed Tories.<sup>87</sup> The status of slavery was somewhat further disturbed in the period of industrial disorder following the war by the action of the Quakers, who protested against the evils of slaveholding by attempting to emancipate large numbers of their slaves.<sup>88</sup>

In the last quarter of the eighteenth century there were no marked developments in the industrial régime of the State. Slave labor continued to be employed on an increasing scale, with a pronounced tendency towards concentration in the tobacco counties adjacent to the Virginia boundary. The majority of whites were non-slaveholders who lived in considerable isolation, and raised corn and hogs "to subsist them in the most slovenly manner."<sup>89</sup> The primitive régime of the country permitted hogs to run at large and feed on acorns, mast, and berries; and it is said that in the early days of the colony even cattle running at large in the forests and swamps would survive the winter.<sup>90</sup> The leading pursuit of the backwoodsmen was the raising of live stock; for nature provided forage, and marketing entailed no great expense. Accordingly, in the backwoods economy of the time there was small place for slave labor, except in areas where naval stores were made in considerable quantities.

Save in the regions where rice and tobacco were staple crops, there did not develop during the eighteenth century a planta-

<sup>86</sup> MS. in the Legislative Papers of 1784, North Carolina Historical Commission, Raleigh, N. C.

<sup>87</sup> S.R., XII, 992 and *ibid.*, XVIII, 420.

<sup>88</sup> *State Gazette*, Jan. 14, 1796. Quakers were indicted by the grand juries of Chowan, Tyrrell, and Hertford Counties in 1795-96 for their efforts to secure partial and general emancipation of slaves. The attitude of the Quakers towards slavery is well treated in Weeks, *Southern Quakers and Slavery*.

<sup>89</sup> Andrews, *The Journal of a Lady of Quality*, p. 153.

<sup>90</sup> Ash, T., "A Brief Description of the Province of Carolina," *Historical Collections of South Carolina*, II, pp. 10-18, B. R. Carroll, editor.

tion régime at all comparable to that which developed in the nineteenth century when cotton became the leading staple. It was said of Chowan County, in 1784, that a man who owned a still, a mill, and a blacksmith's shop was accounted wealthy;<sup>41</sup> and a writer, describing the state of society in Edgecombe County at a somewhat earlier date, remarked that agriculture was so little esteemed as to permit of one horse and plow serving a whole neighborhood.<sup>42</sup> Josiah Quincy, on visiting Brunswick, New Bern, and adjacent districts in 1773, noted that the number of negroes was much less in North Carolina than in South Carolina. "Their [the planters of the colony] staple commodity," he said, "is not so valuable, not being in so great demand as the rice, indigo, etc. of the South. Hence labor becomes more necessary, and he who has an interest of his own to serve is a laborer in the field. . . . You see husbandmen, yeomen, and white laborers scattered through the country, instead of herds of negroes and slaves."<sup>43</sup> At the close of the century, however, the plantation aristocracy was becoming more conscious of its social and economic position; so that many of the larger planters, in emulation of the Virginians, maintained establishments typical of the plantation régime in the favored districts of the Old Dominion.<sup>44</sup> Large slaveholdings were, nevertheless, the exception rather than the rule. Conspicuous among the larger establishments were those of Thomas Pollock of Chowan County, who owned upwards of 40,000 acres of land and about seventy-five slaves; Edward Moseley of New Hanover County, whose estate in Edgecombe contained 10,000 acres and fifty-six slaves; and Roger Moore of New Hanover, who owned upwards of 10,000 acres and about 250 slaves.<sup>45</sup>

Data concerning the number and distribution of slaves in North Carolina prior to 1800 are scattered and, for the most

<sup>41</sup> Smyth, *Tour in the United States*, I, 101.

<sup>42</sup> MS. in the Henderson Letter Book, North Carolina Historical Commission, Raleigh, N. C.

<sup>43</sup> C.R., IX, 612.

<sup>44</sup> La Rochefoucauld-Liancourt, *Travels*, II, 518.

<sup>45</sup> Grimes, *Abstract of North Carolina Wills*, pp. 292, 253, 257.

part, conjectural. The Board of Trade, in its representation of the state of his Majesty's plantations in 1721, stated that, from the accounts available, "the number of persons in their tythables or poll tax [in North Carolina] were not long since above 1600 of which about one-third were blacks."<sup>46</sup> In 1733, Governor Burrington placed the number of white men, women, and children at 30,000, and the blacks at 6,000. From 1740 until the Revolution there was a rapid increase of both blacks and whites, evidenced by the fact that much of the time of the Council was employed in granting lands to settlers on the basis of headrights. Governor Johnston (1734-1752) was active and successful in promoting immigration, and during his administration the extension of settlement warranted the erection of the interior counties of Northampton, Johnston, Granville, Cumberland, and Duplin.<sup>47</sup> A return of the list of taxables for the year 1765 shows a total of 28,542 whites and 17,370 blacks and mulattoes,<sup>48</sup> while the census of 1790 reports the white population at 288,204 and the slave population at 100,572 or 25.5% of the total population of the State.<sup>49</sup>

The census returns for 1755 are by no means complete, but they serve to convey a fairly accurate idea of the distribution of blacks in most of the principal counties. With the exception of New Hanover and Craven counties, the heaviest black population was found in the tobacco belt, which at that time was shifting westward in the northern tier of counties. Counties with the most numerous slaves were New Hanover, 1374; Craven, 934; Edgecombe, 924; Northampton, 834; Beaufort, 567; Granville, 426; Bladen, 346; Pasquotank, 366; and Tyrrell, 335.<sup>50</sup> Outside the tobacco belt, slaveholding before 1755 had not spread appreciably into the uplands. Orange, a mid-

<sup>46</sup> C.R., II, 419. By an act of the Assembly of 1715, all slaves were made tythable at the age of twelve years, and all males not slaves at the age of sixteen.

<sup>47</sup> Ashe, *History of North Carolina*, I, 265.

<sup>48</sup> This report is incomplete and only approximately correct.

<sup>49</sup> There were 4,975 free negroes in the State in 1790.

<sup>50</sup> C.R., V, 575. No returns are available for Bertie, Chowan, Carteret, Cumberland, Halifax, Johnston, and Perquimans.

dle-western county, had a white population of 950, and a black population of only 50; while Rowan, another western county, was credited with 1,116 whites and 54 blacks.<sup>51</sup>

Toward the close of the century there was a noticeable increase of the proportion of slaves in most of the eastern counties. Only one county, Tyrrell, experienced a pronounced loss of slave population from 1790 to 1800, with Martin and Chowan sustaining slight losses. On the other hand, sixteen counties, mainly in the eastern part of the State, suffered a loss of white population in the same period.<sup>52</sup> In the western counties quite a different situation prevailed. For example, Guilford contained 2,618 whites in 1790 and 8,497 whites in 1800. The rather rapid increase of slaves in the last quarter of the eighteenth century was not due to any change of régime, but merely to expansion of settlement in the uplands and the enlargement of plantations on the coast. Additions to the stock of slaves came through natural increase, the migration of slaveholders from neighboring states, and the foreign and domestic slave trade.

The average size of slaveholdings in certain selected counties in 1790 suggests the location of the plantation régime. The average in both Warren and New Hanover was 10.3 slaves per slaveholding family. Eleven slaveholders in Warren<sup>53</sup> owned more than 50 slaves each; and two men, Thomas Eaton and Herbert Haynes, owned 138 each. Halifax, an adjoining county, ranked next with an average slaveholding of 8.7. The average for Edgecombe was 6.5; for Montgomery, a southern county, 4.6; and for Randolph, a western county, 3.5. The average slaveholding for the entire State was 6.29, and the slaveholding families constituted thirty-one per cent of all the families of the State.<sup>54</sup>

<sup>51</sup> Rowan County in 1755 embraced most of western North Carolina and Tennessee. See Wheeler, *Historical Sketches of North Carolina*, p. 356.

<sup>52</sup> In some instances the loss of population was due to a division of counties.

<sup>53</sup> Warren was, perhaps, the leading tobacco county in 1790.

<sup>54</sup> *Heads of Families, Census of 1790.*

## CHAPTER II

### IMPORTATION OF SLAVES

The early planters in North Carolina preferred, it seems, to stock their plantations with young negroes rather than with indented servants, who, according to the missionary, John Urn-stone, were seldom worth keeping, as they never stayed out the term for which they were indented.<sup>1</sup> According to Brickell, slaves were reckoned "the greatest riches in these parts," and were always sure commodities for gold and silver;<sup>2</sup> and for that reason planters were at great pains to lay by a store of gold and silver with which to purchase negroes in the West Indies and other places.<sup>3</sup> A more common practice, however, was to send tar and pitch to New England and live stock and foodstuffs to Virginia to be sold, and the proceeds to be invested in slaves. Governor Burrington accused the colonists of having money to purchase slaves in Virginia, and of not having money to pay quit-rents; whereupon a committee of the Assembly made answer: "Those who take such pains to carry provisions to Virginia at the charge of a great land carriage, do it chiefly to lodge money there to purchase slaves, which are difficult to be bought any other way."<sup>4</sup> On account of the dangers of navigation off the coast of North Carolina and the consequent dearth of trade centers and hard money, ships engaged in the African slave trade seldom, if ever, brought their cargoes direct to the colony. Relative to these conditions Governor Burrington said: "Great is the loss this country has in not being supplied by vessels from Guinea with negroes. In any part of the province the people are able to pay for a shipload; but as none

<sup>1</sup> C.R., II, 261. The number of indented servants in the colony cannot be ascertained. They were probably never so numerous as the negro slaves. Laws similar to those in force in Virginia were enacted by the Assemblies of 1715 and 1741, giving the indented servants a definite legal status. There was no further legislation with respect to indented servants after 1741.

<sup>2</sup> Brickell, *Natural History of North Carolina*, p. 272.

<sup>3</sup> *Ibid.*, p. 45.

<sup>4</sup> C.R., III, 609.

come directly from Africa, we are under a necessity to buy the refuse, refractory, and distempered negroes brought in from other governments."<sup>6</sup>

The dependence of the colonists of the Albemarle section upon Virginia for marketing facilities and for supplies of all sorts was an outstanding economic handicap. For slaves purchased in Virginia, North Carolina planters paid not only the original cost of their delivery in Virginia, but, in addition, they paid the Virginia dealers a profit and defrayed the cost of overland transportation. Under such circumstances, it is not surprising that on occasion the early planters sent cargoes of tar and pitch to New England to be sold and the proceeds to be invested in *young* negroes.<sup>7</sup> English merchants and factors from about 1770 to 1776 did not hesitate to sell negroes to South Carolina planters on liberal terms, and during those years that colony prospered;<sup>7</sup> but the condition and prospects of industry in North Carolina apparently did not warrant the extension of liberal credits by British merchants and, as a result, negro slaves were brought in through various indirect channels. Customhouse records disclose that the number of slaves who entered the colony by water was very small as compared with the number who came in by land. "In 1754 only nineteen negroes were entered at the customhouse at Bath, and during the preceding seven years the average number annually brought in at Beaufort was only seventeen."<sup>8</sup>

On the eve of the Revolution an attempt was made to prohibit the slave trade. The Provincial Congress in session at New Bern, August 27, 1774, resolved, "We will not import any slave or slaves, nor purchase any slave or slaves imported or brought into this province by others from any part of the world after

<sup>6</sup> C.R., III, 430-433. John Urmstone's disposition to invest £40 in goods to buy three or four negroes in Guinea suggests that there were private traders to the coast of Guinea who outfitted in the colony. See C.R., II, 261.

<sup>7</sup> See footnote, p. 12.

<sup>8</sup> Ramsay, *History of South Carolina*, p. 67.

<sup>8</sup> Connor, *History of North Carolina*, I, 184.

the first day of November next."<sup>9</sup> This resolution was passed in conformity with a resolve of the Continental Congress, and its enforcement was designed to strike a blow at British commerce. Doubtless the action of the Provincial Congress was superinduced by considerations of public safety, as slaves could be used by the British authorities to help coerce their masters. There is evidence that the resolution of 1774 was enforced for a time, at least, by the Committees of Public Safety, for slaves brought in by water when apprehended were promptly ordered reshipped to the place from whence they came.<sup>10</sup> One Alexander Campbell, residing in the State in 1777, owned slaves in St. Vincent and Grenada, but was not allowed to bring them into the State; whereupon he petitioned the legislature to release him of the duty of taking the oath of allegiance, in order to prevent his slaves in the West Indies from being confiscated by the British.<sup>11</sup>

So far as can be determined, no tax was levied on the importation of slaves into North Carolina prior to the Revolution. On the other hand, the Virginia Assembly made numerous attempts to discourage the importation of slaves by imposing from time to time a tax on all slaves brought in from Maryland, North Carolina,<sup>12</sup> the West Indies, and Africa.<sup>13</sup> The first impressive protest from any considerable body of citizens of the colony against the African slave trade was registered by the freeholders of Rowan County in 1774. They placed themselves on record against the African slave trade in the following resolution:

"Resolved that the African slave trade is injurious to this colony, obstructs the population of it, prevents manufacturers and other useful emigrants from Europe from settling among

<sup>9</sup> C.R., IX, 1046.

<sup>10</sup> *Ibid.*, IX, 1013, 1099.

<sup>11</sup> MS. in Legislative Papers, 1777.

<sup>12</sup> The tax on slaves from North Carolina was imposed primarily to prevent smuggling through the State. Ballagh, *History of Slavery in Virginia*, p. 15, footnote.

<sup>13</sup> Ballagh, *History of Slavery in Virginia*, p. 21.

us, and occasions an annual increase of the balance of trade against the colonies."<sup>14</sup>

It would appear from this resolution that the chief objection of these people to the slave trade was based on economic, not humanitarian, grounds; and it is also significant that the protest came from a western county. Due in part to the dearth of labor occasioned by the Revolution, there was a resumption of the slave trade after the war. It was not, in fact, until 1787 that the General Assembly took the initial step in taxing the traffic, basing its action on the general ground that the importation of slaves "into this State is productive of evil consequences and highly impolitic." Whatever the motive, a duty of £5 was levied on all slaves between the ages of seven and twelve brought in by water. Slaves between the ages of thirty and forty were made subject to the same duty, while those between the ages of twelve and thirty were subject to a duty of £10. Slaves brought in by land were to be assessed in like manner. Failure to pay the tax made the offender subject to the forfeiture of £100 for each slave smuggled into the State and, in order to encourage prosecution of offenders, the informer was to receive one-half the fine.<sup>15</sup> Anyone wishing to remove to North Carolina with slaves was exempt from the operation of the law, provided an oath was taken before a justice of the peace to the effect that the slaves were not brought in for sale. In addition, a general head tax of five pounds was imposed on all slaves imported from the coast of Africa.<sup>16</sup> The act of 1787 did not prohibit, but no doubt discouraged, the slave trade. In 1786, Henry Hill and Thomas Fitch fitted out a ship to go to the coast of Africa for slaves. Upon returning to Port Roanoke with a cargo of slaves, they protested against the payment of the increased duty, alleging in their petition to the legislature that the duty had been raised in excess

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<sup>14</sup> *C.R.*, IX, 1026.

<sup>15</sup> Iredell's *Revival*, pp. 577-579.

<sup>16</sup> *Ibid.*, p. 578.

of five per cent in their absence.<sup>17</sup> The customhouse records of the Port of Brunswick, covering the period from 1783 to 1789, show a total of 290 slaves entered, 128 of whom came from the West Indies; while others came from Boston, New York, Charleston, Savannah, Virginia, and Maryland.<sup>18</sup> At that time the Cape Fear region was carrying on a thriving trade with the West Indies where lumber, staves, and foodstuffs were sold and a number of slaves purchased.

Due presumably to the ratification of the Federal Constitution by North Carolina in 1789, the act of 1787 was repealed in 1790, and there was no restriction on the importation of slaves until 1794. Indeed, in some sections of the East there seems to have been a disposition to wait and let Congress put an end to the traffic.<sup>19</sup> A letter from Archibald Maclaine of Wilmington to Edward Jones, Assemblyman-elect from one of the upland counties, affords some index as to the localization of opinion with respect to the slave trade in 1790. After stating that he hears Mr. Jones will support a bill to prohibit the slave trade with "a religious enthusiasm," Mr. Maclaine continues:

"Considering our situation on the seacoast and particularly in the neighborhood of Cape Fear, I should have thought it prudent to leave that matter to Congress who certainly will do the business effectually at the end of eighteen years. I believe you have no instructions on the subject and probably the majority of your constituents who either have no property or not considering the dependence of the town on the country might probably have been willing to abolish the importation; but though I make no doubt even had your sentiments been fully known you would have carried your election, yet you certainly would not have had quite so great a majority as you had."<sup>20</sup>

<sup>17</sup> MS. in Legislative Papers, House of Commons, 1788. It appears from the petition of Messrs. Fitch and Hill that there was a duty of 2½% on imported slaves before 1787.

<sup>18</sup> The identity of a few of the ships cannot be ascertained; consequently fifty-two of the lot of 290 slaves cannot be accounted for. Most of the slaves were shipped in small parcels along with other cargo. The last entry recorded was that of Sept. 28, 1789.

<sup>19</sup> Virginia prohibited the African slave trade in 1778, and South Carolina began her series of temporary prohibitions in 1787. DuBois, *Suppression of Slave-Trade*, Appendix, A, pp. 224, 229.

<sup>20</sup> S.R., XXII, 619.

The opposition of the commercial and planting interests of the East was overcome in 1794, and in that year a heavy fine was imposed on the importation of slaves. While there was doubtless enthusiastic support for the measure, its passage might have been further delayed had not a terrifying negro insurrection occurred in San Domingo in 1791.<sup>21</sup> This insurrection thoroughly aroused the people of the State to a realization of the potential danger of a large negro population. By the act of 1794 a fine of £100 was imposed on every person convicted of "importing or bringing slaves or indented servants of color into this State after the first day of May the next ensuing by land or water;"<sup>22</sup> and in 1795 the legislature placed a further restriction on the importation of slaves by making it unlawful for any person removing to the State, "with intent to settle or otherwise," from any of the West Indian or Bahama Islands to bring with him any negroes or people of color above the age of fifteen years, under penalty of £100 for each and every slave or person of color so brought in.<sup>23</sup> Slaves from the West Indies were deemed particularly objectionable for the reason that they were liable to be inoculated with ideas of freedom and, once in the State, might prove incendiary in an otherwise peaceable negro population. To many public men of the time danger from this source appeared imminent; so much so that, in 1798, Governor Samuel Ashe issued a proclamation calling on the people of the State to prevent the landing of slaves or free persons of color. He stated in his proclamation that several shiploads of San Domingan negroes had set sail, and that one shipload had arrived in Charleston. All civil and military officers on or near the coast were charged to enforce the law without resort to violence.<sup>24</sup> Despite precautions, West Indian negroes found their way into the State. The landing of a number of emancipated negroes from the island of Guada-

<sup>21</sup> For an excellent account of the slave insurrection in San Domingo, see F. L. Stoddard, *The French Revolution in San Domingo*.

<sup>22</sup> *Laws of North Carolina*, 1794, p. 2.

<sup>23</sup> *Revised of 1881*, pp. 786-787.

<sup>24</sup> *North Carolina Journal*, June 18, 1798.

loupe at Wilmington in 1803 so alarmed the inhabitants of the town that they memorialized Congress to take action to prevent the introduction into the United States of any persons of that class.<sup>25</sup>

The act of 1794 was not effective against smuggling. Hence, in 1806 a legislative committee was appointed to inquire respecting changes in the act of 1794 which might be necessary to prevent the future importation of slaves. The committee reported the act defective in that it was made no particular person's duty to prosecute suits against offenders.<sup>26</sup> The recommendations of the committee were not acted upon until 1816, and then the State moved forward rather tardily to provide enforcement machinery which would comply with the act of Congress of 1807.<sup>27</sup> The legislature so amended the act of 1794 as to require the sheriffs of the various counties to seize every negro, mulatto, or person of color imported as a slave since January 1, 1808, and to offer such persons at public sale at the county courthouses. Persons who had purchased illegally imported slaves prior to November 18, 1816 for "a fair and valuable consideration" were to be protected in their purchase by the State.<sup>28</sup> In 1819 Mary Ann Sansun came to Wilmington from Martinique, bringing with her domestic servants who were slaves. Upon her arrival, her servants were seized by the sheriff to be disposed of in conformity with the act of 1816; whereupon she petitioned the legislature for relief. Her servants were restored, on condition that she give bond to remove them from the State within four months.<sup>29</sup>

Much indignation was expressed concerning the re-opening of the slave trade in South Carolina in 1803. In the issue of

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<sup>25</sup> *Annals of Congress*, 7 Congress, 2 sess., pp. 385-386.

<sup>26</sup> *Raleigh Register*, Dec. 8, 1806. Mr. Alston of North Carolina remarked in Congress in 1806 that one hundred West Indian negroes were more to be feared than ten thousand persons from Africa. *Annals of Congress*, 9 Congress, 1 Sess., p. 359.

<sup>27</sup> An act of Congress of 1807 closed the African slave trade, but the enforcement machinery was to be provided by the several States.

<sup>28</sup> *Revisal of 1821*, p. 1350.

<sup>29</sup> MS. in Legislative Papers, 1819.

the *Raleigh Register* for July 26, 1806, the editor described the action of the South Carolina legislature as a "detested, short-sighted policy, which in order to increase the wealth of a few can impose upon the State the greatest calamity with which any nation has ever been afflicted." Again, in the issue of the same paper for January 7, 1808, the editor remarked: "Nearly ten thousand slaves have been imported into Charleston during the last year. Humanity rejoices that an end is now put to this abominable practice." The legislature of North Carolina in December, 1804 adopted a resolution by a virtually unanimous vote, instructing the senators and requesting the representatives of the State in Congress to take all legal and necessary steps "to obtain an amendment to the Constitution of the United States so as to authorize and empower the Congress . . . to pass a law whenever they think it expedient to prevent the further importation of slaves or people of color" from any part of the world outside the United States.<sup>80</sup> The Governor was requested to forward copies of the resolution to the chief executives of the different States.

If one seeks to determine the controlling cause of the opposition to the African slave trade from 1791 to 1807, he will find that it was largely social. The indefinable dread of a slave insurrection—an insurrection incited by negroes from the West Indies—haunted the minds of the whites. To permit the slave trade on any terms meant that negroes from the West Indies would inevitably find their way into the State; hence, much of the legislation directed against the trade in the last decade of the eighteenth century was actuated by fear of contact with the West Indian negroes. Representative J. H. Bryan, of the New Bern District, speaking in Congress in 1828 said, "The only foreign trade of North Carolina is and long has been with the West Indian Islands."<sup>81</sup> If this be true, the importation of slaves from that source could scarcely be suppressed except by means of a general prohibition.

<sup>80</sup> *Raleigh Register*, Dec. 17, 1804.

<sup>81</sup> *Congressional Debates*, 1827-1828, V. 4, part 2, p. 2111.

It is not easy to determine how the masses of the people reacted at any given time to a given issue or condition. Opposition to the slave trade based on ethical grounds was probably strongest from 1776 to 1791, a period in which the equalitarian doctrines of the Revolution caused many intelligent people to pity the condition of the negro slave. Humanitarians in the Constitutional Convention of 1787 at Philadelphia decried the horrors of the slave trade; and in the North Carolina Convention, which met at Hillsborough in 1788 to consider the propriety of ratifying the federal constitution, not a voice was raised in its behalf. On the contrary, all the delegates who commented on article I, section 9, of the proposed constitution were unanimous in their condemnation of the "abominable traffic." Mr. Iredell went so far as to say that the entire abolition of slavery would be "an event which must be pleasing to every generous mind and every friend of human nature."<sup>82</sup> In 1806, however, we find Mr. Holland of North Carolina stating in Congress that slavery was regarded as a political, not a moral evil; and on that ground, he thought, nearly all the Southern States were disposed to stop the slave trade at some future time.<sup>83</sup>

Economic considerations with respect to the slave trade were not particularly stressed in the public prints, but it seems reasonable to believe that economic conditions exerted no inconsiderable influence on the public mind. By the close of the eighteenth century the State was fairly well supplied with slave labor,<sup>84</sup> and during the hard times following the Revolution the price of slaves declined;<sup>85</sup> hence, any large additions to the general stock would have caused a further depreciation in price. Again, the cotton industry, prior to 1800, was in its infancy,

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<sup>82</sup> Elliot, *Debates*, IV, 118.

<sup>83</sup> *Annals of Congress*, 9 Cong., 2 Sess., p. 240—The opinion of Mr. Holland should not be taken as representative of the prevailing opinion in North Carolina. At this time, perhaps the majority of thoughtful people regarded slavery as a moral evil. Representative Bryan of N. C., characterized slavery as a "moral pestilence." See *Congressional Debates 1827-28*, IV, part 1, p. 1083.

<sup>84</sup> Increase in slave population of North Carolina from 1790 to 1800 was 32%, a percentage of increase in excess of that for any subsequent decade.

<sup>85</sup> Phillips, *American Negro Slavery*, pp. 366-367.

and its future development as the leading staple of the State was hardly contemplated by the average man; besides, the price of tobacco<sup>86</sup> and naval stores<sup>87</sup> was said to have been so low as to discourage production. Lastly, since North Carolina's share in the slave trade was almost negligible, there was, from the pecuniary standpoint, very little incentive for keeping it open.

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<sup>86</sup> Hart, *American History Told by Contemporaries*, III, 71.

<sup>87</sup> Louis H. de Rosset to James Walker, Aug. 17, 1785, in the *James Sprunt Historical Publications*, No. 4, p. 19.

## CHAPTER III

### THE SLAVE REGIME IN THE NINETEENTH CENTURY

The advent of the nineteenth century found North Carolina in a state of industrial lethargy. The slave régime was being more firmly rooted in the tobacco belt, and gradually extending itself into the more southerly uplands where the growing of cotton for market was in its beginnings. In 1802 Miller and Whitney sold to the State the patent right to their saw gin within the State, and prior to that time cotton was decidedly a subordinate crop.<sup>1</sup> Levi Woodbury, who prepared the most reliable estimate of cotton production covering the early years of the industry, placed the total output for North Carolina at 4,000,000 pounds in 1801, and 7,000,000 pounds in 1811.<sup>2</sup> A collection of letters written by representative men from several counties of the State in 1810 makes no mention of cotton being a leading crop in any of the counties included.<sup>3</sup> It was mentioned as a crop of considerable importance in Wayne County; but the writer stated that pork was the staple commodity, raised in abundance and carried to the New Bern market. Edgecombe, later reckoned one of the leading cotton counties of the State, marketed 43,240 pounds of cotton and 543,200 pounds of pork in 1810. These letters further show that in the western counties the chief farm products were wheat, corn, oats, and tobacco; while in the eastern counties the raising of hogs, the growing of corn, and the gathering of naval stores were the leading pursuits of the rural folk. Land was "dirt cheap" except where it bordered streams, and the most desirable lowlands rarely sold for more than \$10 per acre. In regard to Caswell, a northwestern county, one of its citizens said: "There

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<sup>1</sup> Olmstead, D., *Memoir of Eli Whitney*, p. 31.

<sup>2</sup> *Executive Documents*, 24th Congress, 1st sess., no. 146, p. 13.

<sup>3</sup> This collection of letters, dealing with general community life, has been bound and is known as the Henderson Letter Book. It is in the custody of the North Carolina Historical Commission, Raleigh, N. C. The letters were written upon the request of the editor of the *Raleigh Star*.

are some valuable lowlands on the water courses, . . . the great objection to the land adjacent to the creeks is that without great care in the cultivator, much of it is worn out and washed away in the course of ten or twelve years' cultivation."<sup>4</sup> In Sampson, an eastern county, lands lying alongside navigable streams could be purchased for one and two dollars per acre, while "those remote from navigation may frequently be purchased for fifty cents an acre." In Wayne, another eastern county, the river lands sold for from six to ten dollars per acre, and those elsewhere from twenty-five cents to three dollars.

It was customary to clear new lands, cultivate them until practically exhausted, and then permit the exhausted fields to rest on alternate years until it was deemed advisable to abandon them altogether. A resident of Duplin County wrote, "Our citizens do not manure any of their fields, but when they wear out and become poor, they cut down and open fresh lands."<sup>5</sup> There was very little intelligent rotation of crops; on the contrary, a sort of three-field shift was practiced with damaging results to the soil. This involved the planting of corn and wheat in successive years, and in the third year, the conversion of the fields into pasture land.<sup>6</sup> Such a system did not permit the growing of grasses to compensate for the packing of the fallow land by the hogs and cattle. Small landholdings and slaveholdings continued to prevail in the majority of the counties, and there was apparently general apathy in industry. The traveler, Rochefoucault, noted that North Carolina was "apparently most remote from that improved state of culture which from the quality of its soil and productions it is perfectly capable of attaining."<sup>7</sup> Basil Hall, who visited the State during the late 'twenties, remarked that in North Carolina "all mankind appear comparatively idle";<sup>8</sup> and a New Englander in

<sup>4</sup> MS. in the Henderson Letter Book.

<sup>5</sup> MS. in the Henderson Letter Book.

<sup>6</sup> *Farmers' Own Book*, p. 22.

<sup>7</sup> Rochefoucault's *Travels*, II, 518.

<sup>8</sup> Basil Hall, *Travels in North America*, III, 116-117. This traveler made a journey across the State from Norfolk to Fayetteville by stage.

traveling from Halifax to Raleigh noticed many farms, said to consist of 800 or 1000 acres, scarcely half under cultivation. In the fields, black women were observed following the little ploughs drawn by "faded" mules.<sup>9</sup> In the western part of the State the Scotch Irish and German settlers appear to have been more enterprising. Their farms and plantations were said to have been kept in the greatest order, and their lands well cultivated. "Almost all have negro slaves and there reigns much more independence among them than in the families of English origin."<sup>10</sup> It was reported of Davie County that the land was pretty equally divided and the farmers and planters in easy circumstances with "none overgrown in wealth."<sup>11</sup>

Before 1830 little improvement had been made in the means of overland transportation; and, as a result, cotton farmers in the piedmont experienced difficulty in marketing their cotton. The Roanoke River<sup>12</sup> afforded means of transportation for the tobacco growers of the northern border, but tobacco had first to be hauled or rolled to some market or shipping point on the river over roads well-nigh impassable in winter. Cotton growers of the uplands were less favorably situated, having to haul their cotton overland, mainly to Fayetteville, for transportation by the Cape Fear Navigation Company to Wilmington.<sup>13</sup> Such a situation militated against the establishment of a plantation régime in the uplands, and promoted instead a régime of relatively small farms and few slaves.

The relative prosperity of the cotton-growing counties, together with the opening of the Southwest to settlement by

<sup>9</sup> Barnard, *South Atlantic States in 1838*, pp. 321-322.

<sup>10</sup> F. A. Michaux, in R. G. Thwaites, ed., *Early Western Travels*, III, 292.

<sup>11</sup> *Greensborough Patriot*, March 27, 1839.

<sup>12</sup> The work of canalizing the Roanoke River was undertaken by the Roanoke Navigation Company, chartered in 1812. See Weaver, "Internal Improvements in North Carolina," *Johns Hopkins University Studies*, XXI, Nos. 3 and 4, pp. 52-64. The report of the Roanoke Navigation Company for the fiscal year ending Nov. 1, 1834 shows that 3945 hogsheads of tobacco were transported over the Roanoke Canal during the preceding year. MS. in Legislative Papers, 1834.

<sup>13</sup> The report of the Cape Fear Navigation Company for the fiscal year ending Nov. 1, 1834 shows that 13,195 bales of cotton were carried down the Cape Fear River to Wilmington during the preceding year. MS. in Legislative Papers, 1834.

slaveowners and the audacious attacks of the Abolitionists, gave to slavery during the 'thirties a renewed claim on public and private interest. Slave labor could, perhaps, be used more advantageously in the growing of cotton than in the growing of tobacco, for the reason that cotton has a longer growing season and requires less skill in the handling. At almost any stage in the cultivation of cotton the entire slave family, with the exception of small children, could be used in some capacity. While the plowing was generally done by adults, the hoeing and picking engaged men, women, and children, all of whom commonly worked in gangs. As a rule, the plowing followed closely on the hoeing; so that frequently all hands worked in the same field under the eye of the proprietor or overseer. The growing of cotton on an extensive scale did not effect any radical change in industry, but it was largely responsible for the extension of slavery into the piedmont south of the tobacco belt; and in the coastal plain it gradually replaced tobacco as the leading staple. Edgecombe County exported 243 hogsheads of tobacco in 1810;<sup>14</sup> however, by 1840 the census returns disclose that not only had tobacco culture been practically abandoned in Edgecombe, but in Hertford, Perquimans, Pasquotank, Nash, and Cumberland counties as well. Owing to the rather high price of cotton as compared with the price of tobacco,<sup>15</sup> the latter was crowded out of those areas where it had been cultivated for lack of a more suitable staple, and confined largely to the upper Roanoke River districts<sup>16</sup> where the soil would produce the better grades.

The variety of major crops under the slave régime in the plantation districts of the State differed only in one or two particulars from that at the present time. The growing of peanuts on a large scale in the northwestern counties is largely a post-bellum development; but the cultivation of peanuts with

<sup>14</sup> MS. in the Henderson Letter Book.

<sup>15</sup> The prices of tobacco from 1802 to 1851 are given in De Bow, *Industrial Resources*, III, 349. The average price of cotton by years from 1789 to 1860 is given in M. B. Hammond, *The Cotton Industry*, appendix.

<sup>16</sup> See map accompanying this chapter showing area of tobacco culture, p. 48.

slave labor was not unknown before the Civil War. Peanuts were first grown in New Hanover County, where their cultivation was at first restricted to the seacoast on account of the prevailing belief that they would not mature in the hinterland. It was estimated that 200,000 bushels of peanuts were produced in the State in 1860.<sup>17</sup> A contributor to the *North Carolina Planter* asserted that one hand could "tend twelve acres, and do everything connected with it, plowing, planting, working, digging, stocking, and picking."<sup>18</sup> It is doubtful, owing to the degree of specialization required of labor engaged in truck farming, whether slave labor was suited for the raising of green vegetables as a market product. At any rate, truck farming on an extensive scale was not attempted during the period of slavery.<sup>19</sup>

During the last three decades of the slave régime there was, in the main, no attempt to practice regular rotation of crops in the cotton counties of Eastern Carolina;<sup>20</sup> but, in the tobacco counties, there was quite generally a three-field shift of tobacco, wheat, and corn—three crops which were suited for cultivation on a single farm or plantation by one group of slaves. The planting season for wheat, being in the late fall, did not conflict with the tobacco harvest in September and early October.<sup>21</sup> The planting season for corn was somewhat earlier than that for tobacco, and corn could be harvested at any time after maturity. The wheat harvest in June called for a week or ten days of intensive labor; but, as there was usually a short interim between the cutting and threshing of the wheat, planters were not forced to neglect their other crops entirely during this period. On April 4, 1859, W. N. Edwards wrote that he intended to plant corn, tobacco, and wheat . . . "shall

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<sup>17</sup> *North Carolina Planter*, Aug. 1860.

<sup>18</sup> *Ibid.*, Nov. 1860.

<sup>19</sup> No doubt, lack of transportation facilities was a factor.

<sup>20</sup> Ruffin, *Sketches of Lower Carolina*, p. 295.

<sup>21</sup> Weldon N. Edwards to Judge Ruffin, Oct. 9, 1858, stated that he finished cutting tobacco "yesterday." *Ruffin Papers*, II, 612. Edwards lived in Warren County.

begin to plant corn next week—not more than five and one-half acres to the hand—growing crop of wheat the same, and the tobacco crop two acres, so that my whole crop is but thirteen acres to the hand.”<sup>22</sup>

In the counties of the upper piedmont, a region of small farms,<sup>23</sup> grain and live stock were the principal products. In fact, so much was corn esteemed in this section that, during the first quarter of the century, the rent of farms was sometimes paid in so many barrels of “good round corn.” A written agreement between Edmund Jones and Robert Step of Wilkes County, in 1814, relative to the rent of a farm, stipulates that Step was to pay the rent in corn. He was to plant wheat, rye, or oats where corn had been planted the previous year, and to plant the remainder of the farm in corn.<sup>24</sup> Indeed, in the east-central counties of Johnston, Nash, and Chatham, corn was the principal crop until the close of the slaveholding period. Slaves could be more conveniently employed in the cultivation of corn than in the cultivation of wheat; for, unless wheat was grown with other crops, there were long periods of comparative idleness between the planting and the harvest, during which the problem of employment became embarrassing. F. L. Olmsted was told by a Carolina mountaineer that laborers in the mountains were not hired by the year, as they were needed only at harvest time.<sup>25</sup>

It is significant that the average slaveholding in the tobacco counties<sup>26</sup> was not appreciably larger than in the cotton counties of the East. In the tobacco belt, the average slaveholding in 1860 for Granville County was 11.2; for Caswell, 12.3; and for Warren, 20.2. In the cotton belt at the same time the

<sup>22</sup> *Rufus Papers*, III, 29.

<sup>23</sup> Of the 21 counties in the State in 1860 which did not contain a single plantation of 1000 acres, fifteen were western counties. *U. S. Census of Agriculture*, 1860, p. 210.

<sup>24</sup> MS. in the Lindsay Patterson Papers in the Library of the University of North Carolina. The author has encountered four instances of farms being rented for corn. There was doubtless a scarcity of money in the back country.

<sup>25</sup> Olmsted, *A Journey in the Back Country*, p. 260.

<sup>26</sup> See map accompanying this chapter, p. 50.

average slaveholding for Edgecombe was 15.4; for Bertie, 17.4; for Northampton, 12.5; for Halifax, 14.8; for Mecklenburg, 7.7; and for Montgomery, 4.6. Since more labor was required for a given unit of land in the cultivation of tobacco than in the cultivation of cotton, and since the average slaveholding in the tobacco counties was not appreciably larger than in the cotton counties, it would seem reasonable to infer that the larger plantations would have been found in the cotton counties. In 1860, counties in the tobacco belt which contained eight or more plantations of one thousand acres and upwards of improved and unimproved land were Granville, 13; Caswell, 8; and Warren, 14. Counties in the cotton belt containing eight or more plantations of one thousand acres and upwards of improved and unimproved land were Bertie, 25; Craven, 8; Halifax, 19; Hertford, 8; Johnston, 8; Lenoir, 8; Northampton, 17; and Onslow, 8.<sup>27</sup>

In some of the eastern counties, many planters were so much occupied in growing cotton for market that they neglected to raise enough corn and hogs to supply the needs of their establishments. An excerpt from a report on manufactures in North Carolina in 1828 is illuminating.<sup>28</sup> "Many of our citizens in the eastern part of the State for several years past have been in the practice of purchasing flour made in the North and feeding their negroes with pork shipped from New York, while every fall droves of Tennessee and Kentucky hogs are sold in the Southern and Middle counties." The announcement was made that during a single week in November of 1847, there arrived in the village of Charlotte 900 hogs from the West, which were offered for sale at four and one-half cents per pound gross.<sup>29</sup> In 1858, pork was selling at \$8.50 and \$9.50 per cwt. in Raleigh. The supply, a writer stated, "is by no

<sup>27</sup> U. S. Census of Agriculture, 1860, p. 210.

<sup>28</sup> This report to the General Assembly was made by Charles Fisher of Rowan County, at that time a member of the House of Commons. The report was printed in the *Fayetteville Observer* of Jan. 17, 1828.

<sup>29</sup> *North Carolina Standard*, Dec. 8, 1847. Hereafter this newspaper will be cited as the "Standard."

means equal to the demand, and some of our citizens have made arrangements to purchase in Baltimore. . . . It does not sound well to have it said that we do not produce our meat and bread."<sup>80</sup> The purchase of meat and meal was not entirely confined to cotton growers, as the following item indicates: "Tobacco farmers have so little time for producing food crops that they buy a large portion of their meat from Western drovers."<sup>81</sup> It appears that the self-sufficiency of the plantation régime has been overrated. If it be true that a large number of tobacco and cotton planters failed to produce an adequate amount of foodstuffs, there were two outstanding causes. In the first place, a large slaveholder in the cotton belt considered the growing of cotton to be his chief business; and, under ordinary circumstances, it was thought to be sound economy to grow cotton for market, and if necessary, to buy a limited quantity of provisions.<sup>82</sup> Relative to Pitt County, a correspondent of the *North Carolina Planter*, wrote in 1860, "Cotton seems to be the mania here, and all large planters have been and are yet devoting the most of their time and attention to its cultivation."<sup>83</sup> In the second place, the problem of employing and managing large groups of slaves rendered it expedient to grow cotton or tobacco wherever those crops flourished.

The farms of the piedmont, south of the tobacco belt, were largely self-sufficing. The remoteness of markets, poor roads, and the adaptability of the soil to the growth of grain and grass caused the farmers of that section to give more attention to the growing of food crops. A large percentage of the farmers of the piedmont were, no doubt, slaveowners; but the average slaveholding was much smaller than in the East. Writing of conditions in Mecklenburg County in 1827, Mrs. Henry W. Connor said, "In this section of the County each planter or farmer raises everything for his domestic use. Their cotton

<sup>80</sup> *Standard*, Jan. 20, 1858.

<sup>81</sup> *Southern Planter*, March 1859.

<sup>82</sup> See *infra*, p. 93.

<sup>83</sup> *North Carolina Planter*, August, 1860.

is sent to market and supplies them with their imported articles or cash."<sup>84</sup> Judge Ruffin, who owned a plantation in Alamance County, was anxious to find a market for fifty hams and fifty shoulders and two or three hundred barrels of brandy, in 1850.<sup>85</sup> In 1854, he sold forty-eight barrels of flour made from wheat grown on the same plantation.<sup>86</sup>

The development of the turpentine industry, during the nineteenth century by the use of slave labor, deserves more than passing mention. It was estimated in 1847 that 800,000 barrels of turpentine were made in the State annually by about four or five thousand laborers, and the annual value of the product was placed at from \$1,700,000 to \$2,000,000.<sup>87</sup> This industry was confined largely to the long-leaf pine belt of Eastern Carolina, a strip of territory varying in width from thirty to eighty miles and commonly called the "pine barrens." The workers in the forests were differentiated as "hackers" and "dippers"; and were assigned tasks of so many trees to hack, or so many boxes to dip, within a stated time.<sup>88</sup> The blacks and whites worked in gangs in the large forests, under the supervision of an overseer who assigned tasks and inspected the work.<sup>89</sup> The boxes in which the sap accumulated were usually cut in late winter or early spring before the sap began to rise. On a turpentine forest owned by James F. Clark the following schedule of work is recorded:

"April 9th, commenced chipping boxes.

April 23rd, faced my new boxes.

June 1st, commenced dipping turpentine.

<sup>84</sup> Diary of Mrs. Henry W. Connor, MS. in the Brevard Papers, North Carolina Historical Commission, Raleigh, N. C.

<sup>85</sup> *Ruffin Papers*, II, 305.

<sup>86</sup> *Ibid.*, III, 29, 46.

<sup>87</sup> De Bow, *Industrial Resources*, III, 182.

<sup>88</sup> The "hackers" blazed the trunks of the pine trees with a sharp edged tool designed for the purpose, while the "dippers" dipped the crude turpentine from the boxes at the base of the blazed surface as fast as they filled. The sap which congealed on the blazed surface was scraped off and placed in barrels for marketing. It was called "scrape" and was not so valuable as the crude turpentine dipped from the boxes.

<sup>89</sup> *Arator*, March, 1856. The task system is mentioned as the prevailing one.

June 15th to June 22nd, first dipping.

August 1st to August 13th, second dipping.

August 27th to September 25th, third dipping.

Oct. 10th, commenced selling turpentine.

Nov. 20th, finished selling turpentine."<sup>40</sup>

This record fails to note the "hacking" of the trunks of the trees between "dippings"—an operation which induced an additional flow of sap for the next "dipping."<sup>41</sup> It is thus apparent that in large turpentine forests a group of hands would be kept busy throughout most of the year. A good hand was supposed to chip over his task once a week, and a "dipper," oftentimes a woman, could dip from 1800 to 3000 boxes a day, or enough turpentine to fill five or six barrels.<sup>42</sup> In a gang of hands, as a rule, every fifth hand was a cooper. Coopers worked by the day, month, or year, and turned out on an average about five barrels a day, of the value of twenty-five cents a barrel.<sup>43</sup> With careful working a turpentine forest would continue to yield turpentine in paying quantities from twelve to fourteen years, after which the tar-making commenced. Where the turpentine holdings were small, the proprietors worked alongside their slaves and exploited their forests in conjunction with farm work; however, on some of the large estates farming and the collection of naval stores were attempted at the same time, with somewhat more attention given to the naval stores industry. There were connected with the estate of D. L. Russell of Brunswick County 150 negroes, a portion of whom were employed in the summer and fall in gathering turpentine, while farming was pursued merely to obtain supplies of food and clothing.<sup>44</sup>

<sup>40</sup> Clark Plantation Book, North Carolina Historical Commission, Raleigh, N. C.

<sup>41</sup> For a detailed account of the naval stores industry in America see *Department Bulletin 229*, U. S. Department of Agriculture, 1915.

<sup>42</sup> *Arator*, March, 1856.

<sup>43</sup> *Ibid.*, March 1856.

<sup>44</sup> *Arator*, May 1855. The net sales from Mr. Russell's stills amounted to about \$25,000 a year.

During the 'forties, there was a rise in the price of turpentine;<sup>45</sup> and, as a result, it was estimated that, after defraying all necessary expenses, the proprietor of a turpentine forest could clear annually \$300 per hand.<sup>46</sup> A "good negro," it was affirmed, would collect 150 barrels of "dip" and 100 barrels of "scrape" in a year. The former sold for \$3 a barrel of 320 pounds, and the latter for \$1.50 a barrel of the same weight. Allowing twenty-five per cent for making barrels and transportation, a large profit would still remain.<sup>47</sup> The profits from this industry attracted many speculators who exploited the forests with hired labor.<sup>48</sup> Within the period of the 'forties and 'fifties, it was not uncommon for a "foot-loose" white man to hire a number of slaves with whom he worked holdings of turpentine forests, obtained by payment of a money rental or through an arrangement for exploiting the forests on shares. In February 1853 it was reported that 300 whites and 700 slaves had arrived in Fayetteville to engage in the turpentine industry.<sup>49</sup> Robert Russell stated in the late 'fifties that the turpentine business had been a profitable one for many years, and that some speculators had as many as fifty slaves engaged in this industry.<sup>50</sup>

For about fifty days each year, in March and April, the fisheries on Albemarle Sound engaged large numbers of both black and white laborers. The capital invested in this industry in 1847 was placed at \$300,000, and the number of laborers employed was thought to be about five thousand.<sup>51</sup> Slaves were also worked in the mines. It was reported by a traveler in 1833 that five thousand slaves were engaged in mining in

<sup>45</sup> The price ranged from \$2.50 to \$4 a barrel. DeBow, *Industrial Resources*, III, 352.

<sup>46</sup> *Ibid.*, III, 352.

<sup>47</sup> Robert Russell, *North America*, p. 160.

<sup>48</sup> The wages of an ordinary practiced turpentine hand, according to F. L. Olmsted, were \$120 a year with board and clothing. Olmsted, *Seaboard Slave States*, p. 346.

<sup>49</sup> *Standard*, Feb. 2, 1853.

<sup>50</sup> Robert Russell, *North America*, p. 159.

<sup>51</sup> DeBow, *Industrial Resources*, II, 182. For a description of the fisheries see Olmsted, *Seaboard Slave States*, pp. 351-354.

the county of Burke.<sup>52</sup> Slaves who worked in the mines were generally hired out by the month or year. Peter R. Hines advertised for forty or fifty negro men and women to work in gold mines during the year 1833;<sup>53</sup> and, in 1845, the administrators of the estate of General Edmund Jones of Wilkes County received from Avery Erwin and Company \$144.29 for the hire of negroes in the mines for the preceding summer.<sup>54</sup>

The production of rice, of both the upland and lowland varieties, in New Hanover and adjacent counties, with slave labor, was continued on an increasing scale throughout the slaveholding period. The system of cultivation and harvesting departed very little from the crude and laborious methods of colonial times. On the plantation of Colonel T. D. Meares of Brunswick County rice was grown in the following manner: the land was divided into "tasks" by ditches running through the fields and crossing one another at right angles.<sup>55</sup> After the fields were made smooth with hoes, the trenches were dug and the seed sown and covered. The seeding began in March, and from that time until the harvest in September there was a rush. As soon as planted, the fields were flooded for a short time, then gone over with hoes to chop out the grass and to advance the growth of the rice. The second flooding or "stretch flow" submerged the plants for several days, after which enough water was drawn off to expose the heads of the plants. After twenty days all the water was drawn off, and the fields kept dry for a like period; then the "harvest flow" was turned on, and remained for about two months, or until a few days before the harvest. The ripe rice was cut with a sickle, and after one day's exposure in the field it was shocked, and ten days later it was ready for the barn.<sup>56</sup> On account of the

<sup>52</sup> Barnard, *South Atlantic States in 1833*, p. 347. Burke is a western county.

<sup>53</sup> *Tarboro Free Press*, Jan. 22, 1833.

<sup>54</sup> MS. in the Lindsay Patterson Papers.

<sup>55</sup> The irrigation was so managed that when one field was under water another was dry.

<sup>56</sup> *North Carolina Planter*, May 1859; also *North Carolina and its Resources*, (State Board of Agriculture) p. 162.

prevalence of malaria in the rice field districts and the exhausting character of the work, whites were seldom employed on the plantations except as overseers or artisans.<sup>57</sup>

The operation of cotton factories with slave labor was repeatedly urged as being not only a practicable but a profitable venture. Slaves, it was argued, were more desirable as factory workers than were whites, since the proprietor of a cotton factory, by purchasing his operatives, would always be assured of a supply of cheap labor. In 1828, Mr. Fisher, in advocating the employment of slaves in factories, stated that slaves of the right description for factory hands could be purchased at \$200 each; and he estimated the cost of clothing and feeding of slaves in factories at \$25.00 each per year.<sup>58</sup> That slaves possessed sufficient skill for textile work, was amply demonstrated, he said, by the fact that Mr. Donaldson employed slaves in his cotton factories at Fayetteville and at the falls of Tar River. Notwithstanding the plausibility of the arguments advanced, slaves were never used to any appreciable extent as factory laborers. It was contrary to tradition; and, furthermore, the majority of the cotton factories were located in the western part of the State, where white labor was the chief supply.<sup>59</sup>

The hard times of the early 'forties caused by the low price of cotton and tobacco prompted many public-spirited citizens to take stock of the State's resources and possibilities, and to face the situation with a constructive program for agricultural improvement. It was frankly recognized that something must be done to check the tide of emigration and to bolster up the declining fortunes of the State. At a meeting of farmers, professional men, and others at Washington, N. C., November 19, 1851, resolutions were introduced reflecting the sentiment of the meeting. One of the resolutions contained the declaration that "the people seem to see the force of the truth that they

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<sup>57</sup> Phillips, *American Negro Slavery*, p. 91.

<sup>58</sup> Mr. Fisher's Report on Manufactures, *Fayetteville Observer*, Jan. 17, 1828.

<sup>59</sup> Of a total of thirty-nine cotton factories in North Carolina in 1860, all but nine were located in the western part of the State. See *U. S. Census of Manufactures*, 1860.

must either move, improve, or starve."<sup>60</sup> From the second decade of the century, there had been numerous county agricultural societies in the State which used their influence to promote better farming; but, prior to about 1850, their efforts had been practically barren of results. In the main, farmers and planters continued to practice the soil-destroying system of clearing new fields, tilling them under near exhaustion, and then abandoning them for virgin land.<sup>61</sup> This condition, however, was not entirely due to slavery. So long as virgin land was abundant and cheap, it was probably more profitable to purchase and clear new fields than to attempt to improve old fields; but, when cheap fertile lands were no longer available, conservation of the soil became expedient. The exploitation of the best lands would have taken place had there been no slaves; but it is quite likely that the use of slave labor expedited the process, as it was convenient to employ slaves in winter in clearing new fields. The question as to whether it was a better policy to clear new fields or to improve old ones, each farmer determined for himself, and his decision was governed by local conditions. While land was cheap and fertile, other conditions being equal, slaveholding was perhaps more profitable than when the dearness and scarcity of fresh land caused farmers and planters to resort to artificial means for renewing the fertility of the soil; however, it by no means follows that a resort to fertilization rendered slaveholding unprofitable. The adoption of scientific methods of farming with either free or slave labor involved a change of plantation work during the dull winter months; but, when slaves alone were employed, the problem of employment became somewhat more critical. Instead of employing one's slaves in winter in clearing and fencing new fields, under an improved system of farming, it became obligatory on slaveowners to discover other ways of keeping slaves usefully occupied. Advocates of better farming repeatedly suggested the employment of one's slaves in making

<sup>60</sup> *Standard*, Dec. 13, 1851.

<sup>61</sup> *Ruffin, Sketches of Lower Carolina*, p. 89 ff.

manure, ditching, and fencing, as a partial substitute for clearing new fields.<sup>62</sup> The problem was not so formidable as it was regarded by many planters; the great difficulty lay in overcoming the force of tradition and custom.

The realization that the exhaustive methods of cultivation could not go on indefinitely, and if permitted to continue would eventually result in the decay of agriculture, prompted a movement in the 'fifties for reinvigorating the soil by the use of compost, marl,<sup>63</sup> ashes, lime, barnyard manure, and guano. This movement received the energetic support of Edmund Ruffin<sup>64</sup> of Virginia, and Professor E. Emmons, State Geologist. Edgecombe County set the pace. Relative to the state of agriculture in Edgecombe in 1852, the Wake Agricultural Society reported that "no first rate farmer turns out an old field, but keeps his fields improving with every year's crop and cultivation."<sup>65</sup> The use of barnyard manure, compost, marl, and ashes preceded somewhat the use of guano. In 1852 there appears not to have been a distributor of guano in the State, for we find the Wake Agricultural Society urging farmers and planters to make up a fund to procure "the famous fertilizer" from the importer in Baltimore.<sup>66</sup> In 1854 T. P. Devereux purchased guano for his plantation, Runoroi, in the sum of \$52.92. Four years later he purchased guano in the sum of \$117.27 for another plantation, "Montrose"; while in 1860 the amount of the purchase for "Montrose" totaled \$405.58.<sup>67</sup> There was so little familiarity with the use of guano in some sections as to lead to waste in its application. For instance, a farmer near Mount Airy wanted to ascertain the cheapest and

<sup>62</sup> See *Farmer's Own Book*, p. 29, and the *Farmers' Journal*, Jan. 1853.

<sup>63</sup> Marl was dug from the marl pits of Eastern Carolina. Being a marine deposit, it contained a high percentage of lime. It was first used as a fertilizer in Edgecombe County about 1845. See Ruffin, *Sketches of Lower Carolina*, p. 286.

<sup>64</sup> Editor of the *Farmers' Register* and author of *Sketches of Lower Carolina*.

<sup>65</sup> *Standard*, Feb. 25, 1852.

<sup>66</sup> *Standard*, May 19, 1852. The first guano used in the State was the famous Peruvian.

<sup>67</sup> Devereux Plantation Book. Property of Mrs. John W. Hinsdale, Raleigh, N. C.

most effectual way of applying guano to corn and tobacco, "because here we pay from \$90 to \$100 per ton and at that price it will not prove remunerative to broadcast."<sup>68</sup>

The fairly rapid spread of slavery into the upper piedmont gradually transformed portions of that area into strong slaveholding communities. By 1840 the southwestern counties of Mecklenburg, Cabarrus, Montgomery, Richmond, Iredell, and Davidson were rivaling the eastern counties in the production of cotton; and by 1860 slavery and cotton had spread into many neighboring counties.<sup>69</sup> The rate of increase of the slave population from 1790 to 1860 was 387% in the West and 161% in the East; and in the same period the rate of increase of the whites was 182% in the West and 61% in the East.<sup>70</sup> In regard to the status of slavery in the East from 1840 to 1860, the following tables reveal some interesting facts:<sup>71</sup>

County	Number of slaveowners	Number reporting one slave	Average slaveholding
Bertie .....	469	72	14.3
*Cumberland .....	720	134	7.4
Halifax .....	653	62	14.4
Washington .....	201	41	8.5

1860			
County	Number of slaveowners	Number reporting one slave	Average slaveholding
Bertie .....	468	58	17.4
Cumberland .....	809	224	7.2
Halifax .....	695	93	14.8
Washington .....	222	36	12.2

(\*Cumberland lay largely in the turpentine belt and was not a county of large plantations. The other counties lay within the plantation districts of the East.)

The number of slaveowners reporting one slave increased in Cumberland and Halifax and decreased in Bertie and Washington, while the average slaveholding increased noticeably in Washington and Bertie and slightly in Halifax. From these statistics it is probably safe to deduce that consolidation of industry was still in progress in certain areas in the plantation

<sup>68</sup> *Southern Planter*, March 1859.

<sup>69</sup> See map accompanying this chapter showing area of cotton culture in 1860.

<sup>70</sup> Bassett, *Slavery in the State of North Carolina*, (Johns Hopkins University Studies, XVII, no. 7-8), p. 79.

<sup>71</sup> The figures for 1840 were obtained from the unpublished records in the Census Bureau through the courtesy of the Director of the Census.

districts of the East. This deduction is supported by the fact that, in the counties cited, there were fewer slaves in 1860 than in 1840, while the number of slaveowners remained practically stationary. Taking the State as a whole, the average slaveholding was smaller in 1860 than in 1850,<sup>72</sup> the averages for these years being 9.5 and 10.1 respectively.<sup>73</sup> In Virginia the average slaveholding increased from 8.5 in 1850 to 9.4 in 1860; and in Alabama, a state fairly typical of the Lower South, the average slaveholding increased from 11.5 in 1850 to 12.8 in 1860. An examination of the following tables shows that from 1850 to 1860 the increase in the group of slaveowners from two to twenty slaves was rather small; but, in the group owning from twenty to two hundred slaves, the increase was considerable:

1850			
1204	slaveowners owned	1 slave <sup>74</sup>	
9668	slaveowners owned	2 and under	5 slaves
8129	slaveowners owned	5 and under	10 slaves
5898	slaveowners owned	10 and under	20 slaves
2828	slaveowners owned	20 and under	50 slaves
485	slaveowners owned	50 and under	100 slaves
76	slaveowners owned	100 and under	200 slaves
12	slaveowners owned	200 and under	300 slaves
3	slaveowners owned	300 and under	500 slaves
1860			
6640	slaveowners owned	1 slave	
9631	slaveowners owned	2 and under	5 slaves
8449	slaveowners owned	5 and under	10 slaves
6073	slaveowners owned	10 and under	20 slaves
3341	slaveowners owned	20 and under	50 slaves
611	slaveowners owned	50 and under	100 slaves
118	slaveowners owned	100 and under	200 slaves
11	slaveowners owned	200 and under	300 slaves
4	slaveowners owned	300 and under	500 slaves

<sup>72</sup> In 1790 the average slaveholding per slaveholding family was 6.1. There was, then, an increase in the size of the average slaveholding between 1790 and 1850; but at what point this increase ceased cannot be ascertained from available data, since the Census Bureau has assembled no statistics for the intervening decades.

<sup>73</sup> Since the number of slaveowners reporting one slave in 1860 was more than five times the number reporting one slave in 1850, there is reason to believe that the Census is in error. There was no corresponding decrease in Virginia. The Director of the Census states that from a cursory examination of the original returns for 1850, it appears a larger number of persons owned one slave than is shown in the printed volumes.

<sup>74</sup> The number of slaveowners reporting one slave in 1850 is doubtless too small. See footnote 73, above.

There was a decrease in the size of the average farm from 369 acres in 1850 to 316 acres in 1860, and the number of farms increased from 56,963 to 75,203 in the same decade.<sup>75</sup> In South Carolina there was a decrease in the size of the average farm from 541 acres in 1850 to 488 acres in 1860. Virginia also shows a decrease; but in the Lower South there was quite generally an increase.<sup>76</sup>

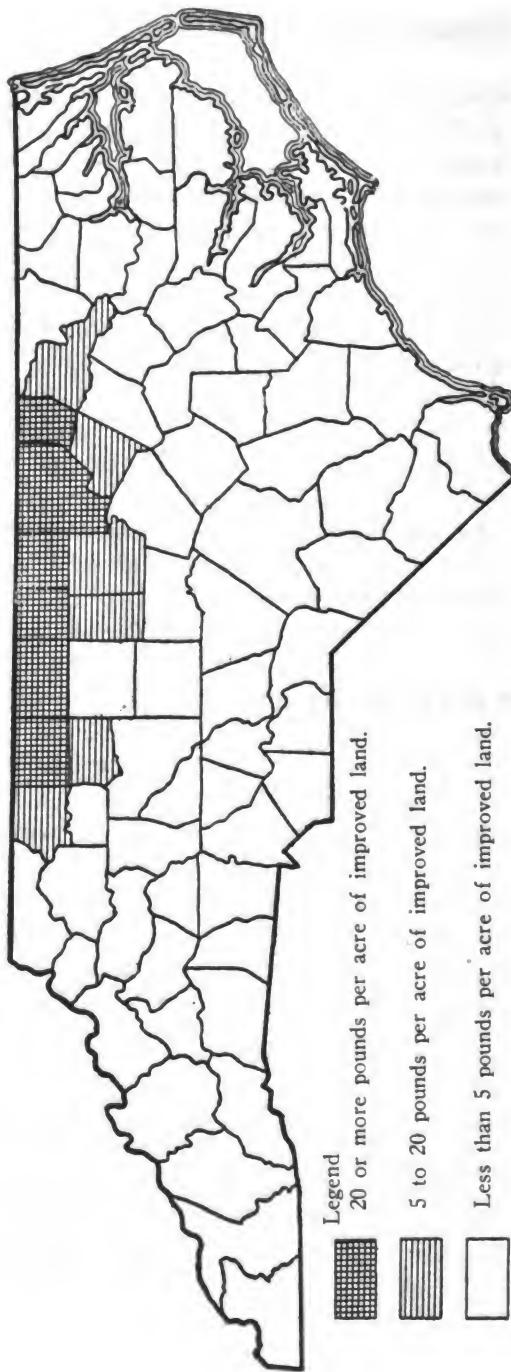
On the whole, it is difficult to escape the conclusion that in North Carolina slaveholding was becoming more widespread. The percentage of increase of the white population from 1850 to 1860 was 14.42; while the percentage of increase of slaveholders was 22.4. Again, let us assume that the size of the average family was five. If we accept this tentative premise, the ratio of the slaveholding class to the non-slaveholding class was as 1 : 2.81 in 1850, and as 1 : 2.64 in 1860. Does it follow from these facts that slavery was a decaying institution? Is it true that slaves were becoming less valuable to their masters? Neither of these queries can be answered definitely. Slaves were never so valuable for employment in North Carolina as they were in the Lower South. Since the value of a slave depended on many factors, in addition to the productivity of the soil, it cannot be ascertained whether they were becoming less valuable to their owners towards the close of the slavery period. It does appear, however, that slavery in North Carolina was undergoing a transition, adjusting itself to changed and changing economic conditions—conditions tending toward improved methods of farming and, except in areas of staple production, to a more equal distribution of wealth in land and slaves.<sup>77</sup>

<sup>75</sup> U. S. *Census of Agriculture*, 1860, p. 222.

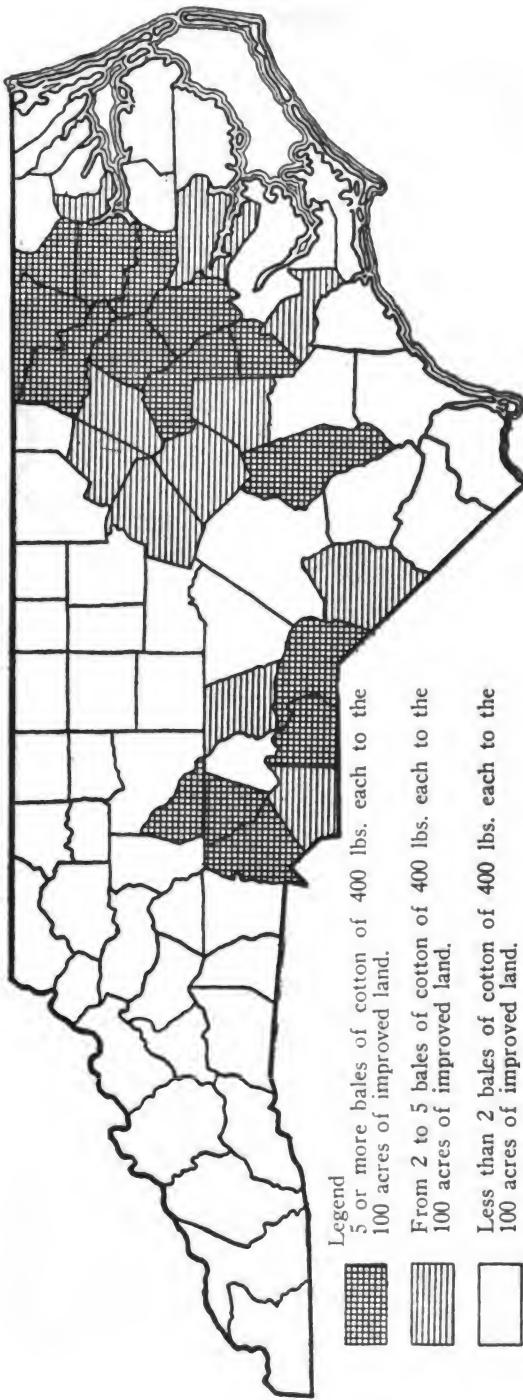
<sup>76</sup> The reduction in size and the increase in the number of farms suggests an increase in the number of small proprietorships. It cannot be gathered from the census reports what part of the State was subject to this change of régime; but the marked increase in the number of large slaveowners, noted in the tables on p. 60, indicates that the small proprietors did not make their appearance at the expense of the planter class. It is probable that the improved methods of farming in evidence in the 'fifties were partly responsible for the increase of small farms.

<sup>77</sup> The agitation during the 'fifties for ad valorem taxation of slaves was not a direct attack on slavery *per se*. It was primarily an attempt to obtain a more equitable system of taxation.

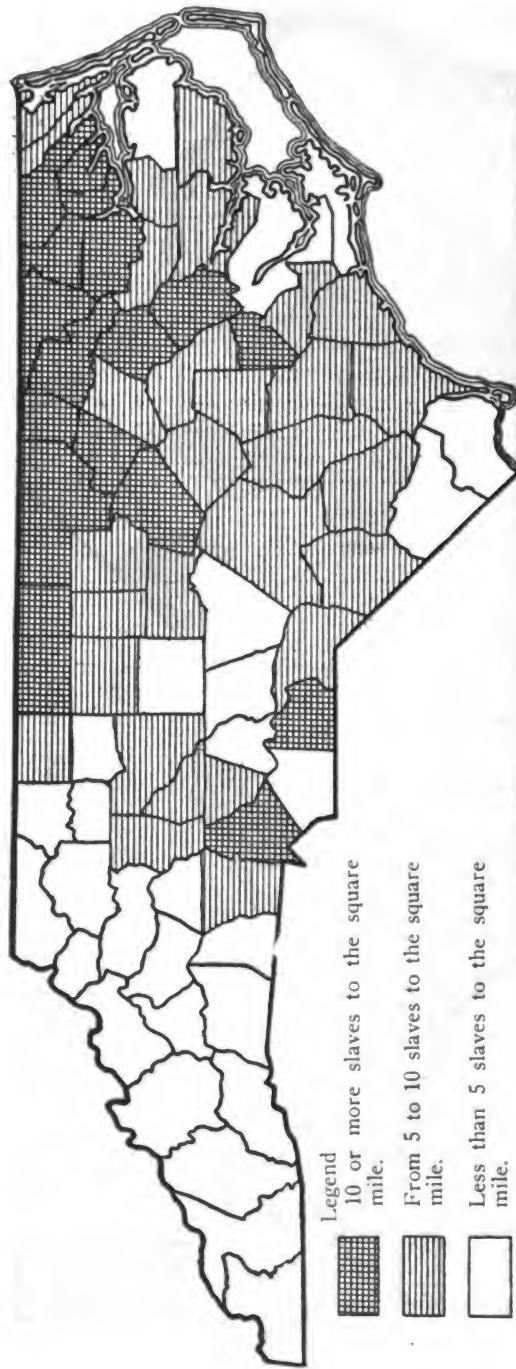
MAP OF NORTH CAROLINA SHOWING THE AREA OF TOBACCO CULTURE IN 1860



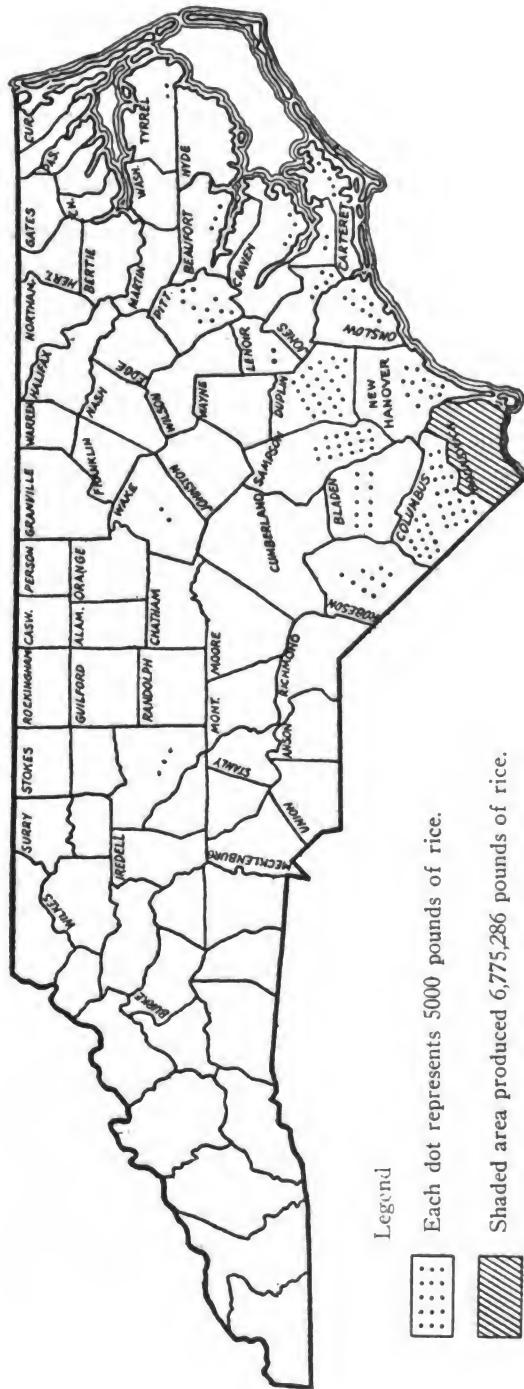
MAP SHOWING AREA OF COTTON CULTURE IN NORTH CAROLINA IN 1860



MAP SHOWING THE DENSITY OF SLAVE POPULATION IN NORTH CAROLINA IN 1860



MAP SHOWING AREA OF RICE CULTURE IN NORTH CAROLINA IN 1860



## CHAPTER IV

### MIGRATION TO THE SOUTHWEST

An effort will be made in this chapter to investigate the conditions and motives which impelled large numbers of white people either to send or take slaves from what were regarded as the languishing fields of North Carolina to the virgin lands of Alabama, Mississippi, and Louisiana. Following this investigation, there will be an attempt to determine the effect of this movement on economic conditions.

It has been said with some exaggeration that from about 1830 to 1860 all tracks led away from the State. The following tables taken from the United States Census Reports are illuminating in this connection:

<i>Year</i>	<i>Total population white</i>	<i>Per cent of increase</i>	<i>Per cent of total population</i>
1790	289,143		73.2
1800	337,764	17.19	70.6
1810	376,410	11.44	67.6
1820	419,200	11.36	65.6
1830	472,823	12.79	64.1
1840	484,870	2.54	64.3
1850	553,028	14.05	63.6
1860	629,942	14.42	63.4

<i>Year</i>	<i>Total population slaves</i>	<i>Per cent of increase</i>	<i>Per cent of population</i>
1790	102,726		25.5
1800	133,296	32.53	27.8
1810	168,824	26.65	30.3
1820	205,017	21.43	32.1
1830	245,601	19.79	33.1
1840	245,817	.08	32.6
1850	288,548	17.38	33.2
1860	331,059	14.73	33.3

Despite the almost continuous exodus of whites and slaves to the South and West, the increase of population from births and immigration was more than enough to overcome the reduction caused by wholesale departures. During the decade 1830-1840, however, the population of the State increased very slightly for reasons which appear in this chapter.<sup>1</sup> It is a rule

<sup>1</sup> See *infra*, pp. 64-65.

of population, generally accepted by economists, that a constant stream of emigration of considerable proportions from an old and thickly settled country will not appreciably diminish the total population of the country.<sup>2</sup> While North Carolina was not a very old nor a very thickly settled State, it would not be safe to conclude that very few people left the State because the census shows an increase of population from decade to decade. The seventh census shows that there were 283,077 white and free colored people, natives of North Carolina, then living in other states.<sup>3</sup> Definite information as to the number of slaves born in the State and residing in other states at any time is lacking; but it is safe to surmise that the vast majority of the slaves removed from the State were taken to the cotton-producing regions of the Southwest. Professor B. S. Hedrick, of the University of North Carolina, wrote: "In my boyhood I lived on one of the great thoroughfares of travel, near Locke's Bridge on the Yadkin River, and have seen as many as 2000 slaves in a single day going South, mostly in the hands of speculators."<sup>4</sup> In 1827 a traveler wrote, concerning the procession of whites and blacks moving southwestward: "I left Augusta and overtook hordes of cotton planters from North Carolina, South Carolina, and Georgia, with large gangs of slaves, bound to Alabama, Mississippi, and Louisiana where the cotton land is not worn out."<sup>5</sup> A reprint from the *Camden* (S. C.) *Journal*, in the *Fayetteville Observer* of December 10, 1835, is significant: "During the week, we think we speak within the bounds of truth when we say that no less than 800 persons have passed through this place for the West. Of course, we include white and colored."

How shall we account for this exodus? It can be accounted for in part on the ground of the prevalent impression that the

<sup>2</sup> See article on "The Outlook for Civilization" by W. M. Flinders Petrie, *Yale Review*, Jan. 1922.

<sup>3</sup> *Compendium of Seventh Census*, p. 114.

<sup>4</sup> *James Sprunt Historical Publications*, X, No. 1, p. 14. Some of these slaves, of course, come from Maryland and Virginia.

<sup>5</sup> *Plantation and Frontier Documents*, U. B. Phillips ed., I, p. 284.

lands of the State were well-nigh exhausted. Louis D. Wilson, a delegate to the Constitutional Convention of 1835, asserted in the presence of that body that nine-tenths of the western lands were exhausted;<sup>6</sup> and the English traveler and scientist, Sir Charles Lyell, who visited North Carolina in 1841, stated that many of the planters of the Cape Fear Section talked of abandoning their exhausted soil for the Southwest.<sup>7</sup> It was entirely natural for people to complain of the exhausted state of the soil when they compared the condition of their lands with the reputed fertility of the cotton lands of Alabama and Mississippi. Travelers and prospectors brought to North Carolina glowing and frequently exaggerated accounts of the productivity of the soil in the Lower South. James H. Ruffin, who went to Alabama on a tour of investigation in 1833, wrote in April of that year from Tuscaloosa: "Of one thing I am most thoroughly satisfied, that though I should not get one dollar for my land, it is better to remove here than to remain in Rockingham."<sup>8</sup> He reported that in the Yazoo section negroes died off every few years, but in that time "each hand makes enough to buy two more in his place." William H. Wills went from Edgecombe County to Mississippi in 1840 and made the following report: "Since I have seen Mississippi and her resources, her good and cheap lands, I have become charmed and almost determined to become a farmer."<sup>9</sup> With the circulation of such reports, it is not a matter for marvel that a committee on internal improvements in the Internal Improvements Convention, held in Raleigh in 1833, should report that to all appearances nine-tenths of the farms of the State were actually in the market.<sup>10</sup> About 1822 Archibald D. Murphey, a speculator in Tennessee lands, claimed that the 2500 acres of land which he held on the Hatchie River and

<sup>6</sup> *Debates in Convention of 1835*, p. 99.

<sup>7</sup> Lyell, *Travels in America*, p. 147.

<sup>8</sup> *Ruffin Papers*, II, 77. Jas. H. Ruffin was a brother of Judge Ruffin of North Carolina.

<sup>9</sup> Will's "Diary," in the *Southern Historical Association Publications*, VIII, 36.

<sup>10</sup> *Fayetteville Observer*, Dec. 17, 1833.

thereabouts would produce from 1000 to 1300 pounds of seed cotton per acre.<sup>11</sup> James H. Ruffin reported in 1833 that although good land with a good title demanded a high price in Alabama, "its desirability is certain as it will last forever."<sup>12</sup>

As compared with the rather high price of cotton, the low price of tobacco, no doubt, caused many tobacco growers to send or take their slaves to the Southwest to engage in cotton culture. Although there was a decline in the price of cotton in the 'twenties, the price rose in the 'thirties;<sup>13</sup> while the price of tobacco, except for 1839, ranged around low levels.<sup>14</sup>

The cost of transportation on roads and turnpikes was no inconsiderable item. For example, the distance from Fayetteville to Salisbury was about 110 miles, and the lowest cost of hauling in 1833 was from fifty to seventy-five cents per cwt.<sup>15</sup> While this rate was by no means prohibitive, it was an important item of expense at a time when the purchasing power of the dollar was much greater than at present, and when practically everything not produced at home had to be hauled over poor roads in cumbersome wagons. This situation, no doubt, promoted emigration from the interior.<sup>16</sup>

Lastly, slaveowners sent or took their slaves to the Southwest because there slaves, as a rule, could be more profitably employed and, consequently, possessed a higher market value. The slave represented an investment, the dividend from which depended on the profitableness of the industry in which he was employed. Obviously, the rich lands of the Southwest held out greater promise as an investment for a slaveowner than the comparatively infertile lands of North Carolina. If, then, a North Carolinian saw the number of his slaves increasing and

<sup>11</sup> *Murphy Papers*, I, 277.

<sup>12</sup> *Ruffin Papers*, II, 77. Ruffin further reported that the Alabama cotton lands would produce from 1000 to 1500 pounds of seed cotton per acre.

<sup>13</sup> See Hammond, *The Cotton Industry*, Appendix.

<sup>14</sup> A correspondent of the *Farmers' Register* in 1834 stated that tobacco had barely paid the cost of production for the last 15 years. *Farmers' Register* I, 39.

<sup>15</sup> *Fayetteville Observer*, April 30, 1833.

<sup>16</sup> The legislature of 1833-34 was roundly condemned for its failure to inaugurate a program of internal improvements.

the fertility of his lands declining, he would, other conditions being favorable, sell or rent his land and purchase land in the Southwest which would yield a larger return upon his invested capital.<sup>17</sup> After taking into consideration the cost of removal and the cost of the initial purchase in the new country, the slaveowner would, as a rule, still find it advantageous, from a pecuniary standpoint, to remove to lands which did not have to be abandoned in the course of ten or twelve years' cultivation, and which would produce on an average, perhaps, fifty per cent more cotton per acre.<sup>18</sup> If, on the contrary, the North Carolina planter deemed it advisable to remain on his old lands, he found it increasingly difficult to compete with the Southwestern planter in the production of cotton. Mr. Fisher's Report on Manufactures contains this statement: "If the planters in North Carolina can barely afford to raise cotton at eight cents per pound, they must soon be driven from its culture altogether by the farmers of the West, whose new rich lands enable them to produce it with less labor and expense."

The farmers and planters went to the new country to grow cotton; and for this business they possessed experience, the tools of production, and trained labor. It was unlike going to California to dig for gold, an occupation for which the average farmer had neither training nor equipment. Farmers and planters who opened their lands for sale on the eve of their departure almost never offered to dispose of their slaves and tools.<sup>19</sup> Judge Thomas Ruffin, in addressing the State Agricultural Society in 1855, declared that no man had left the State in order to be rid of slavery. "When our slaveowners

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<sup>17</sup> Slaves, not land, were considered the principal investment.

<sup>18</sup> The seventh census does not give the average yield of seed cotton per acre in North Carolina. The average yield was placed at 650 pounds per acre in Mississippi, 525 in Alabama, and 320 in South Carolina. The average in North Carolina was probably around 300 pounds per acre. See *Compendium of Seventh Census*, p. 178.

<sup>19</sup> The following advertisement is characteristic:

*"Westward Bound"*

"Aiming to go West, I offer my lands for sale—two tracts in Johnston, 450 acres in one and 398 in the other. Jas. M. Smith, Clayton, N. C."—*Standard*, Dec. 7, 1859.

remove they carry their slaves with them farther South where slavery is, if possible, more firmly fixed than here."<sup>20</sup> Indeed, many migrating slaveowners and non-slaveowners were anxious to exchange their land for slaves before leaving the State. One Haley Brown offered for sale from 1000 to 1200 acres of land in the vicinity of High Point, stating that he wanted to remove to the South and would take slaves in payment for the land;<sup>21</sup> and Evelina Pender, "being desirous of moving to the western country," offered for sale her lands in Halifax County, and agreed to receive the whole purchase price in negroes at a fair valuation.<sup>22</sup>

In the early stages of the movement of North Carolina folk to the Southwest, the small farmers and slaveowners predominated.<sup>23</sup> As Professor U. B. Phillips points out, the small planters and farmers removed more readily, having a lighter stake in their homes and better opportunities to sell them.<sup>24</sup> A traveler described the train of emigrants he encountered in 1833, while traveling on the turnpike through the Cherokee Nation in Georgia. He noted encampments of emigrants of more or less wealth . . . "having their all with them and big for the land of promise. A North Carolinian 'hearing talk' of Alabama had geared up his shingle cart and one horse, and was wending his way across the Catahoula River.<sup>25</sup> The lean horse pulling the shingle cart wended his way as if it had come from the land where pigs hunt in couples so as to find a blade of grass."<sup>26</sup> Had the institution of slavery not existed, there

<sup>20</sup> *Standard*, Oct. 24, 1858.

<sup>21</sup> *North Carolina Planter*, July 1859.

<sup>22</sup> *Tarboro Free Press*, Jan. 23, 1829.

<sup>23</sup> This aspect of the movement is discussed in Hundley, *Social Relations in Our Southern States*, p. 271.

<sup>24</sup> Phillips, *American Negro Slavery*, p. 174.

<sup>25</sup> The overland route through South Carolina and northern Georgia appears to have been the one most used by emigrants from North Carolina en route for Alabama.

<sup>26</sup> Reprinted from the *Philadelphia Saturday Evening Post* in the *Fayetteville Observer* of June 4, 1833.

would have been a heavy migration of these lesser folk to the Lower South; but, accepting conditions as they were, it is quite probable that the presence of large planters, particularly in Eastern Carolina, exerted economic and social pressure on the lesser farmers in such a way as to cause them to embrace the opportunity of escaping an economic and social régime in which their prospects of advancement were slight. But with the appearance of large planters and the consequent consolidation of industry in the Southwest, the farmers of small means were deterred from emigrating to that region and, instead, went west or northwest.<sup>27</sup>

In the early stages of the movement, well-to-do planters sometimes sold their land in North Carolina and took their slaves to the Southwest in order to get the choice of situation. In 1819 Samuel T. Barnes and Benjamin Ballard of Halifax County took 30 and 196 slaves, respectively, by sea from Norfolk to New Orleans to settle in Louisiana as planters.<sup>28</sup> However, the larger planters did not emigrate in large numbers until the 'thirties, and then only after a preliminary tour of investigation. John Waddell alleged, in a memorial to the legislature in 1835, that he went to Louisiana in the fall of 1834 and purchased land on the Red River, after which he came back to North Carolina to remove his slaves.<sup>29</sup> James H. Ruffin, before removing to Alabama in 1833 or 1834, went to that State to select and bargain for a suitable tract of land for settlement.<sup>30</sup> William Jones of Wilkes County, after making a six weeks tour of the Southwest in 1839, came back to Wilkes for the purpose of removing his slaves, tools, and household furniture to his plantation in Mississippi. He took with him, "Wesley, Emily, John, Chainey, Abner, Ruth, George, Buck,

<sup>27</sup> Bassett, *Slavery in the State of North Carolina*, (Johns Hopkins University Studies, XVII, nos. 7-8), p. 182.

<sup>28</sup> Phillips, *American Negro Slavery*, p. 182.

<sup>29</sup> MS. in Legislative Papers, 1835.

<sup>30</sup> *Ruffin Papers*, II, 72.

Martha," a waggoner and four horses, "two beds and furniture, and \$500 in money."<sup>81</sup>

It is natural for a man who hazards much to consider well the prospects of success; hence, the majority of slaveowners hesitated to stake their fortunes on a "root and branch" removal to the Lower South. Financial loss entailed in the selling of plantations, sentimental attachment to paternal acres, the expense and inconvenience of moving, the prevalence of disease, and the lack of social life in the new country caused a number of planters to retain their estates in North Carolina, while sending a portion of their slaves to the Lower South to cultivate a new plantation under the direction of an overseer or elder son. To this plantation the owner repaired at least once a year to settle accounts and to plan operations for the ensuing year. Plantations of this type were sometimes referred to as the "Alabama adjunct." F. L. Olmsted noted that many of the Mississippi plantations were owned by wealthy Virginians and North Carolinians, who resided on what he termed "show plantations" in their native States and sent their surplus slaves to Mississippi.<sup>82</sup> The plan of residing in North Carolina, and at the same time maintaining one or more plantations in the Southwest, could be undertaken only by men of capital. The scheme had many disadvantages; in fact, all the disadvantages of a system of absentee farming. It supplied, however, a recourse for planters who were adverse to leaving the State, but who sought a profitable investment for capital and labor.

From about 1830 to 1860, some of the most estimable citizens of the State went to the Lower South to reside permanently.<sup>83</sup> The following item is of interest in this regard:

"On last Sunday week a large body of respectable citizens left Rocky Mount for Texas. The company consisted of 127

<sup>81</sup> Edmund Jones of Fort Defiance, N. C., to John T. Jones at New Haven, Conn. MS. in the Lindsay-Patterson Papers.

<sup>82</sup> Olmsted, *A Journey in the Back Country*, p. 119.

<sup>83</sup> The County Court Records of Nash County show that relatives of the so-called "best families" of the county were residents of Alabama and Mississippi in this period.

persons, white and black, under the protection of Mr. Chas. Harrison, for many years past a very estimable citizen of this country. All except Mr. Harrison and family were from Nash. They anticipated shipping from Wilmington."<sup>84</sup>

The movement of slaves and whites was accelerated and retarded at intervals by financial and industrial conditions. The hard times of 1834, which caused the political tide to set in towards Whigism, supplied an impetus to emigration. There was financial depression, a partial crop failure, and, according to the editor of the *Raleigh Register*, general despondency prevailed throughout the State. "Who can look on the constant tide of emigration," wrote the editor of the *Register* ". . . without indulging in a train of the saddest reflections."<sup>85</sup> The scarcity of grain caused discontent and promoted further removals. To quote the *Salisbury Carolinian*:

"Heretofore the tide of emigration from this State to the West and Southwest has been periodical, but now it has become constant and flows with increasing magnitude. This is probably owing to the extreme scarcity of grain which causes so many to break off before the fall."<sup>86</sup>

Emigration was checked by the panic of 1837, and there was no further pronounced movement of population until about 1843.<sup>87</sup> The resumption of emigration, about 1843, was due to the low price of cotton and the attractive land values in Alabama and Mississippi. As a result of the panic, there was a tremendous decline in land values, particularly in the Southwest where speculation had been rife. The editor of the Sumter County *Alabama Whig*, eager to see a resumption of emigration

<sup>84</sup> Reprinted from the *Tarboro Southerner* in the *Standard* of Feb. 9, 1853. There is a similar account in the *Standard* of Feb. 11, 1846 of a schooner bound for Matagorda, Texas, with 88 passengers, 46 whites and 42 blacks. The emigrants were from the counties of Nash and Edgecombe.

<sup>85</sup> *Raleigh Register*, March 11, 1834.

<sup>86</sup> Reprinted in the *Fayetteville Observer*, June 3, 1836.

<sup>87</sup> For the effect of the panic of 1837 on the planters of Alabama see J. G. Baldwin, *Flush Times in Alabama and Mississippi*.

to Alabama, wrote in 1842 that improved lands could be bought for lower prices than the same lands could have been bought in 1840 in the woods.<sup>38</sup> With the return to normal conditions after the panic, the drain of population was resumed; and it continued, with some retardation during the 'fifties, until the outbreak of the Civil War.<sup>39</sup>

The transportation of slaves to the Lower South by professional and amateur traders presents many interesting features. As to the volume of the domestic slave trade between North Carolina and the Lower South, no definite estimate, with any approach to accuracy, can be made. It was, however, comparatively small, and mostly, if not entirely, in the hands of individuals instead of business organizations. There were no slave pens in the State where slaves were assembled for transportation, like those maintained at Fredericksburg and Alexandria. It appears that, during the 'thirties, slaves were assembled at Fayetteville for transportation to the Lower South; but these were handled by individual traders.<sup>40</sup> There were numerous slave dealers; but only a few of them made use of the public prints to advertise their business, for the reason that trafficking in slaves was somewhat in disrepute. The journeys of slave dealers in and out of the State excited little comment and inspired very few writers to chronicle any data. As a rule, slave dealers trading to the Southwest advertised for and purchased slaves "in the prime of life"—those who were able to stand long journeys afoot and command the highest prices.<sup>41</sup> The following advertisement is somewhat typical:

<sup>38</sup> Reprinted in the *Standard*, Nov. 23, 1842.

<sup>39</sup> L. O'B. Branch stated, in 1852, that emigration to the Southwest from Virginia and Maryland had ceased, and that the tide of emigration from North Carolina had been checked. Branch was a native of Halifax County, a member of Congress, and a Brigadier-General of the Confederacy.

<sup>40</sup> The following advertisement appeared from time to time in the *Fayetteville Observer* in the 'thirties: "I will give the highest cash price for likely young negroes, say from 10 to 25 years of age. Fellows would be preferred with proper certificate for the New Orleans market. Lewis Thomas."

<sup>41</sup> Slaves of tender years were hauled in wagons. See Andrews, *Slavery and the Domestic Slave Trade*, p. 149.

"Negroes Wanted"

"The subscriber is desirous to purchase 30 to 40 negroes of both sexes, not under ten nor over thirty years of age, for which the highest cash prices will be given."<sup>42</sup>

The selective character of the slave trade deprived the State of a portion of her most vigorous and capable class of labor. In this connection, there arose the accusation that slaves were bred for market.<sup>43</sup> Evidence of the systematic breeding of slaves for the market is not convincing; although it is probable that slaveowners were not adverse to the rapid increase of their slaves so long as the demand for slave labor gave to that species of property an increasing value.

Speculation in slaves was attended by some risk; so the slave trader, in order to avoid the expense of feeding and clothing slaves over a long period, and to obviate the risk of selling on a falling market, made rapid trips through the country, rounded up his slaves, and set out for Richmond or the Southwest to dispose of his property.<sup>44</sup> One could afford to take a few slaves to Richmond; but the cost of transportation to the Southwest, coupled with the risks incurred in making the journey, necessitated the assembling of rather large groups in order to make the venture profitable. It was asserted by a writer, who subscribed himself "Little Farmer," that eight weeks were required for the overland journey from North Carolina to Mississippi, and that the expense of the trip was approximately \$28.00 per negro.<sup>45</sup> Despite the expense of the journey and the losses sustained through death and the absconding of slaves en route, the trade was prosecuted at times on a large scale. For example, in 1837 or thereabouts A. H. Arrington of Nash County took to Alabama a lot of slaves which he sold to Charles J. Gee for \$24,000.<sup>46</sup>

<sup>42</sup> *Fayetteville Observer*, Jan. 13, 1835.

<sup>43</sup> See Olmsted, *A Journey in the Back Country*, p. 263.

<sup>44</sup> Richmond was a local market for North Carolina slave dealers.

<sup>45</sup> *Arator*, March, 1857.

<sup>46</sup> *North Carolina Reports*, 5 Iredell, 590. This sale was given publicity through a lawsuit growing out of the terms of the sale. In this connection, Professor Hedrick's statement on p. 53 is of interest.

An examination of the Census Reports from 1790 to 1860, with reference to the gain and loss of white and slave populations for certain typical eastern counties,<sup>47</sup> will help to establish some generalizations as to the duration and extent of the migration to the Southwest. The counties of Halifax, Bertie, Granville, Cumberland, and Washington have been selected, because in those counties there were heavy slave populations, and to a large degree stability of industry:

BERTIE COUNTY		<i>Whites</i>	<i>Slaves</i>
<i>Year</i>			
1790	.....	7117	5141
1800	.....	5534	5512
1810	.....	5145	6059
1820	.....	4818	5725
1830	.....	5303	6792
1840	.....	5144	12175
1850	.....	5335	7194
1860	.....	5806	8185

HALIFAX COUNTY		<i>Whites</i>	<i>Slaves</i>
<i>Year</i>			
1790	.....	7016	6506
1800	.....	6071	7239
1810	.....	7760	6624
1820	.....	6361	9450
1830	.....	5870	9790
1840	.....	5623	16865
1850	.....	5765	8954
1860	.....	6641	10349

WASHINGTON COUNTY		<i>Whites</i>	<i>Slaves</i>
<i>Year</i>			
1790	.....		
1800	.....	1598	76
1810	.....	2114	1287
1820	.....	2297	1667
1830	.....	2713	1712
1840	.....	2639	4525
1850	.....	3209	2215
1860	.....	3593	2465

CUMBERLAND COUNTY <sup>48</sup>		<i>Whites</i>	<i>Slaves</i>
<i>Year</i>			
1790	.....	6407	2181
1800	.....		
1810	.....	6422	2723
1820	.....	9562	4751

<sup>47</sup> Since the western counties were frequently subdivided, a comparison of the growth of white and slave populations in those counties is not feasible.

<sup>48</sup> Cumberland was a naval stores-producing county.

Year	Whites	Slaves
1830	9081	5047
1840	9030	15284
1850	12447	7217
1860	9554	5830

GRANVILLE COUNTY<sup>49</sup>

Year	Whites	Slaves
1790	6504	4163
1800	7580	6106
1810	7363	7746
1820	8846	9071
1830	9438	9154
1840	9309	8707
1850	10294	9865
1860	11187	11086

Broadly speaking, there was in the East a fairly uniform increase of slave population until about 1830, and in a great many eastern counties there was an increase of slave population from 1830 to 1840. On the contrary, the white population of the East registered no marked increase in this decade; in fact, a few eastern counties sustained a loss of white population. But, from 1840 to 1860, there was a decline in the slave population of the East and a slight increase of white population. In this period Halifax suffered a loss of 6516 slaves and gained 1018 whites; Bertie lost 3990 slaves and gained 662 whites; Cumberland lost 9454 slaves and gained 524 whites; Washington lost 2060 slaves and gained 1128 whites; while Granville and Guilford, the latter a western county, show a gain of both slaves and whites. Edgecombe, an exception for an eastern county, shows a loss of white and a gain of slave population.<sup>50</sup> From the figures cited, it seems reasonable to infer that the decade 1840-1850 witnessed the heaviest movement of slaves from the plantation districts of the East; and, further, that the emigration of slaves, heavy during the 'forties, was retarded somewhat during the 'fifties. Taking the State as a whole, it is probable that the greatest exodus of slaves took place between 1830 and 1840, for during that decade the total slave population increased only .08%. Considering that four

<sup>49</sup> Granville was a tobacco-producing county.

<sup>50</sup> Edgecombe was rated as a progressive county in the two decades immediately preceding the Civil War.

of the five eastern counties cited in the above tables show increases of slaves between 1830 and 1840, it appears that the West contributed heavily to the tide of emigration in the 'thirties. This view appears all the more probable when one considers that, due to the failure of the legislature to inaugurate a comprehensive scheme of internal improvements, there was, in the early 'thirties, a great deal of discontent in the West.<sup>51</sup>

From 1840 to 1860 the percentage of increase of slaves and whites was greater in the West than in the East. Drawing an arbitrary line between the counties of Granville, Wake, Harnett, Cumberland, and Robeson on the east; and Person, Orange, Chatham, Moore, and Richmond on the west, we find that west of the line there were 85,021 slaves in 1840 and 115,101 in 1860. East of this line there were 160,796 slaves in 1840 and 215,958 in 1860; thus making the percentage of increase in the West during the twenty year period 35.40, and the percentage of increase in the East 34.3. The white population during the same time shows an increase of 32.3% in the West and an increase of 26.4% in the East. Due largely to the extension of cotton culture into the piedmont, there was, prior to about 1830, a considerable transfer of slaves within the State from east to west.<sup>52</sup> After 1840, however, and perhaps earlier, there was no general movement of slaves from one section to another within the State; hence, one may reasonably infer that the old settled districts of the East lost more people of both races by emigration during the last two decades of the slave régime.

Any estimate of the number of slaves removed from North Carolina must necessarily be questionable. Perhaps, the most reliable method of making an estimate is to take a certain decade as a base and compute the growth of population on the basis of the rate of increase for the decade selected. Assuming the rate of increase of the slave population to have been constant, let us take the decade 1800-1810 as a base. The rate

<sup>51</sup> Boyd, *History of North Carolina*, II, 99.

<sup>52</sup> "Estimates of the Value of Slaves, 1815," *American Historical Review*, XIX, 815-825.

of increase in that decade was 26.65%, and had that rate been maintained, there would have been 550,119 slaves in the State in 1860; whereas the census for 1860 gives only 331,059. On the basis of this reckoning, the State lost on an average of 4381 slaves per year for the fifty year period. If on the other hand, we take the decade 1810-1820 as a base, the rate of increase being 21.43%, there would have been 445,751 slaves in the State in 1860. On the basis of the latter reckoning, the State lost on an average 2867 slaves per year from 1820 to 1860.<sup>53</sup> In the absence of a market to the southward, it is hardly fair to assume that the ratio of increase of the slave population would have remained approximately constant, for in that event there would have been a tendency to glut the labor market; but, when there was with some interruption a southern slave market, the propagation of slaves went on apace, and the rate of natural increase probably remained approximately constant.

What were some of the most patent results of the removal of slaves and whites from North Carolina? In the first place, the migration to the Southwest served to reduce the price of land and to increase the price of slaves. In the Treasurer's Report for 1834,<sup>54</sup> it is stated as a fact worth noting that the revenue from land had been gradually diminishing for every successive year since 1820, when the prevailing rate of taxation was adopted. According to this report, the average valuation of land per acre in 1815, for purposes of taxation, was \$2.69; but, by 1833, the average valuation had declined to \$2.27 per acre. Despite the fact that about a million and a quarter acres of land had been entered for taxation since 1815, the total acreage listed for taxation in 1833 was less than that for 1815. This condition, the Treasurer claimed, was not due entirely to the system of taxation. The most active causes for the decline in land values were the impoverishment of the soil, the greatly reduced demand for land, and the withdrawal from the State

<sup>53</sup> It was estimated that in 1831 Virginia was sending annually about 6000 slaves to the other Southern States. Ballagh, *History of Slavery in Virginia*, p. 25.

<sup>54</sup> MS. in Legislative Papers, 1834.

of much of its labor. If it be true that approximately nine-tenths of the farm lands were in the market in 1833,<sup>55</sup> such a condition necessarily made for cheap land; but, since slaves were movable property, their market value was not sensibly affected by the price of land. There was, accordingly, a wide discrepancy in the price of slaves and land. In regard to the increased price of slaves, a former merchant of Plymouth, N. C., residing in 1833 as a planter in the Red River Valley, reminded his North Carolina friends in an open letter that the sugar and cotton growing states served to keep up the price of slaves in North Carolina, "and without saying what is the value of the species of property here, I venture to say it is more than will cost to bring it to Louisiana."<sup>56</sup> Following the lead of the New Orleans market, the price of prime field hands in Virginia rose from \$500 in 1843 to \$1200 in 1860,<sup>57</sup> and there was, unquestionably, a corresponding rise in the price of slaves in North Carolina. Under these conditions, the cost of equipping a plantation in North Carolina increased, while the returns from the land remained practically constant or, perhaps, in some instances diminished. A Roanoke River planter remarked in 1859 that his land needed more laborers, but at present prices he could not afford to buy them, nor could any prudent farmer in the old states. "What then? Why, away they go to the sugar and cotton lands of the South. It matters but little how much higher prices will get, even at present Virginia at least will be drained time enough."<sup>58</sup>

In the second place, the removal of slaves and whites resulted in bringing about a condition of economic inertia. The almost constant drain on the wealth of the State practically killed the spirit of enterprise. There was not much disposition to indorse increased taxation for internal improvements on the part of those left behind to cultivate land whose value was depreciating and whose productivity was declining. The sight

<sup>55</sup> See *ante*, p. 54.

<sup>56</sup> *Fayetteville Observer*, June 18, 1833.

<sup>57</sup> See chart of slave prices in Phillips, *American Negro Slavery*, p. 370.

<sup>58</sup> *Standard*, Oct. 12, 1859.

of North Carolina's "wasted fields, her deserted farms, her ruined towns, and her departing sons"<sup>59</sup> lent weight to the charge of L. O'B. Branch that the proprietors of the South Atlantic States had cultivated their lands wastefully and excused themselves on the ground that their children would find a new home in the South and West "where the government was constantly acquiring whole empires and offering the soil at prices almost nominal."<sup>60</sup> Certainly, there existed the feeling that it was not worth while to make sacrifices for the purpose of making the State a better place in which to live. Sensible of this feeling, Archibald D. Murphey wrote in 1819: "Those who labor now will meet with nothing but vexation, chagrin, and disgust. Another generation will profit by their labors. The spirit of the present is radically mean and grovelling."<sup>61</sup>

It cannot be denied, viewed from the standpoint of the individual, that the removal of slaveowners with slaves was, as a rule, advantageous; neither can it be denied that the domestic slave trade put thousands of dollars into the pockets of slave-owners and speculators; but, in both instances, the State was the loser. In the first instance, the State lost capital, labor, and directive ability without any commensurate compensation; and in the second instance, it lost labor and received in return money, which, instead of being invested in industrial enterprises from which society might have benefitted, served, for the most part, to meet deficits of the individuals making the sale.<sup>62</sup> Since the popular movement to the Southwest was greatly facilitated by reason of the ability of emigrants to carry with them a supply of labor which they were sure of retaining in the new country, it is hardly probable that the State would have lost so large a percentage of its labor and capital had a system of free, instead of slave, labor prevailed. Free labor would have been less mobile and more uncertain.

<sup>59</sup> *Fayetteville Observer*, Dec. 17, 1833. Conditions were not so bad as here represented.

<sup>60</sup> *Standard*, Feb. 25, 1852.

<sup>61</sup> *Murphey Papers*, I, 151.

<sup>62</sup> An article on "The Effects of the High Price of Slaves," by Edmund Ruffin in *De Bow's Review*, XXVI, 653 ff., is worth while in this connection.

## CHAPTER V

### SALES AND HIRE OF SLAVES

Slaves were chattels as well as persons, and as such they were sold publicly and privately for cash or on credit. Transfer of title was effected by a bill of sale witnessed by one or more persons.<sup>1</sup> While there was some variation in the form and phrasing of bills, the following is typical :

"Know all by these presents that I, William Page of the County of Wake and State of North Carolina, have bargained and sold to Robert Love of the County of Chatham and State of North Carolina a certain negro boy, Joseph, for the sum of \$1,200 to me in hand paid ; and by these presents do bargain and sell unto the said Love which I the said Page warrant and defend the title of said negro to the said Love to him, his heirs forevermore. I the said Page do transfer all the title invested in me and my heirs to the said negro to the said Love and his administrators and executors forever. In witness I have set my hand and seal this 30th of Oct. 1862."<sup>2</sup>

The indiscriminate sale of slaves did not receive the approval of the best element of slaveowners, and the sale of slaves for purely speculative purposes was openly criticized. Slaves were sold under various circumstances, among others : under execution to satisfy creditors, by an administrator in the settlement of an estate, on account of unruly conduct, and in order to relieve financial embarrassment. The sale of a slave who habitually ran away from his master, was intractable, or threatened the personal security of his master or master's family, generally met with the approval of society. In this regard the County Court of Nash County is on record :

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<sup>1</sup> The law required that bills of sale be registered in the county where the owner of the slave or slaves resided. *Revisal* of 1821, p. 685. On account of the negligence of people in registering bills of sale the legislature from time to time extended the time limit for registration.

<sup>2</sup> Bill of sale in office of Register of Deeds of Wake County.

"It appearing to the satisfaction of the Court that a negro slave named Alfred belonging to John W. Drake, a minor, is of such general bad character and unmanageable as to be of little or no benefit, in consequence of which is in danger of being greatly injured or killed. It is therefore ordered that Nicholas W. Arrington, guardian for the said John W. Drake be and is hereby authorized and ordered to sell said slave Alfred to the best advantage for the benefit of his ward."<sup>3</sup>

The better class of slaveowners were reluctant to sell their desirable slaves although they realized that conditions made it unprofitable to retain them. Archibald D. Murphey wrote, "I do not know whether I can get along without selling any more of my slaves. I have about sixty remaining, a greater number than render me service or than I can well manage. But although others treat their negroes as well or perhaps better than I do, mine are attached to me, and I did not know until the time came what pain it would give me to sell them."<sup>4</sup> Not infrequently, planters refused to sell slaves when their retention was no longer profitable, because they wished to bestow them on their sons and daughters at marriage. In this way slaves were kept within the family circle and family pride vindicated. The plantation book of J. Devereux shows that from 1847 to 1860, out of a total of 240 slaves, whose names are recorded, only ten were sold.

Few humanitarian safeguards were thrown around the sale of slaves seized for debt. The law provided that when a sheriff or constable sold such slaves, they should be sold at the County Court House "of their respective counties on the last Thursday of each and every month in each and every year." This particular Thursday was known as "sale day." The law required twenty days notice of the public sale of such slaves and further specified that the sale should take place between the hours of ten and four.<sup>5</sup> In many counties there was objection to designating the time and place for the official

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<sup>3</sup> County Court Records of Nash County, 1840.

<sup>4</sup> *Murphey Papers*, I, 158.

<sup>5</sup> *Revised* of 1821, p. 1540.

sale of slaves, on the ground that they did not sell for their full value on "sale day." In 1822, a petition, signed by more than 200 citizens of Camden County, protesting against prescribing the manner and place of sale of land and slaves under execution, was presented to the legislature. The petitioners alleged that on "sale day" slaves and land sold for only about one-half or two-thirds their value.<sup>6</sup> In the same year the counties of Warren, Currituck, Carteret, and Tyrrell secured exemption from the operation of the objectionable law;<sup>7</sup> and in those counties, to which others were added in 1823, the sale of slaves under execution was authorized to be held at the county court house on the same Monday in each month. The Monday of the County Court was selected as the sale day in order to assure the presence of a large crowd.

Because it was thought that they sold better singly, the Supreme Court did not favor the official sale of slaves in large numbers. In the case of *Cannon v. Jenkins et al.*, Judge Ruffin, in rendering the decision of the court, said, "In sales of executors it is the duty of the executor to get as much as he can," even if the interest of the estate required that families be separated; nevertheless, the court held that an executor would not be punished "for acting on the common sympathies of our nature, unless in so doing he was plainly injuring those with whose interests he stood charged."<sup>8</sup> Notwithstanding the financial loss which might result from such an arrangement, slaveowners sometimes ordered that their slaves be sold in families. R. H. Mosby of Halifax County, in advertising the sale of his slaves, stated that they were to be sold in families, "as I am not disposed to violate the laws of humanity by selling or separating children from their parents."<sup>9</sup> A notice of the sale of 300 negroes, the property of T. P. Devereux, contained the announcement that they were to be sold in families;<sup>10</sup>

<sup>6</sup> MS. in Legislative Papers, 1822.

<sup>7</sup> Sess. Laws, 1822, ch. 25.

<sup>8</sup> *N. C. Reports*, 1 Dev. Equity, 422.

<sup>9</sup> *Raleigh Register*, Aug. 12, 1848.

<sup>10</sup> *Standard*, Sept. 20, 1856.

and at a sale of sixty-nine negroes, belonging to Major N. T. Green of Warren County, they were sold in families of two, three, four, five, and as high as six.<sup>11</sup> Married slaves were often preferred by purchasers to single ones, as married couples were not so liable to become discontented in their new environment;<sup>12</sup> but, when a slave family was large, purchasers who would pay an acceptable price for the entire family group could not always be found. So marked was the difficulty of retaining and managing single slaves detached by sale from the original family group, that a purchaser sometimes questioned a slave as to his willingness to live with him—a practice which the editor of the *Farmers' Journal* condemned as subversive of discipline.<sup>13</sup>

Other conditions being equal, slaves brought up in some special trade sold for higher prices than the common field hands. Negro coopers, blacksmiths, cooks, and carpenters were especially prized and sold for fancy prices. It was reported that, at the sale of the property of Hon. Richard Hines of Edgecombe County, negro mechanics sold for from \$1100 to \$1500, while common field hands were sold at bids proportionately high.<sup>14</sup> When the sale of a lot of slaves was pending the artisans among them received special mention. Notice of sale of the estate of Colonel Swann,<sup>15</sup> for example, called attention to the presence among his slaves of eight country-born negroes, among them an excellent cooper, a carpenter, and two women who were prime hands in the field or in the house. In addition, there was a negro man, about sixty, accustomed to handling turpentine.<sup>16</sup> The price of a slave, man or woman, depended largely on the age, disposition, ability, and physical condition of the individual; and, to some extent, on

<sup>11</sup> *Ibid.*, April 11, 1855.

<sup>12</sup> Andrews, *Slavery and the Domestic Slave Trade*, p. 139.

<sup>13</sup> *Farmers' Journal*, May, 1853.

<sup>14</sup> *Standard*, Jan. 21, 1852.

<sup>15</sup> Probably Col. Samuel Swann, prominent lawyer and legislator of the Cape Fear Section.

<sup>16</sup> Hall's *Wilmington Gazette*, Nov. 3, 1797.

the price of cotton and tobacco. Prime field hands of ages ranging from about sixteen to thirty years were, as a class, in the largest demand; and the selling price of this class of labor supplied something of a basis for determining the selling price of other grades of unskilled labor. In general, female slaves ranged about one-third lower in price than males. Boys and girls<sup>17</sup> in their teens brought prices about two-thirds as high as prime men and women respectively, for their longer expectation of working life offset in considerable degree their lower current productiveness.<sup>18</sup> At a sale of slaves near Salisbury in 1835, the following prices were realized:<sup>19</sup>

## MALES

1 age 7 sold for .....	\$203	cash
1 age 7 sold for .....	311	
1 age 8 sold for .....	353	
1 age 9 sold for .....	415	
1 age 11 sold for .....	585	
1 age 12 sold for .....	650	
1 age 14 sold for .....	571	
1 age 16 sold for .....	633	
1 age 17 sold for .....	725	
1 age 18 sold for .....	622	cash
1 age 19 sold for .....	747	
1 age 20 sold for .....	850	
1 age 22 sold for .....	835	
1 age 34 sold for .....	801.50	

## FEMALES

1 age 7 sold for .....	262	
1 age 9 sold for .....	363	
1 age 12 sold for .....	451	
1 age 14 sold for .....	272	
1 age 15 sold for .....	450	
1 age 17 sold for .....	551	
1 age 38 sold for .....	387	

In Person County, a lot of slaves sold in 1858 as follows:<sup>20</sup>

1 man servant, age 34, sold for .....	\$1100	
1 man servant, sold for .....	1380	
1 boy (unsound) age 18, sold for .....	1280	

<sup>17</sup> Negro girls who gave promise of being prolific were in the greatest demand.

<sup>18</sup> See "Documents—Estimates of the Value of Slaves, 1815," *American Historical Review*, XIX, 818-824. For the general scale of slave prices consult Phillips, *American Negro Slavery*, pp. 370-378.

<sup>19</sup> *Fayetteville Observer*, Jan. 27, 1835. All but two were sold on a credit of twelve months.

<sup>20</sup> *Raleigh Register*, Dec. 8, 1858.

1 boy (a mere scrub), sold for .....	\$ 510
1 woman and infant, sold for .....	1500
1 woman sold for .....	1295
1 girl age 14, sold for .....	1031
1 small boy, sold for .....	849
1 old man, head snow white, sold for .....	600

At a sale of slaves, all common field hands, in Northampton County in 1859, the following prices were obtained:<sup>21</sup>

Bob age 23, sold for .....	\$1480
Silas age 52 (infirm), sold for .....	405
Peter age 18, sold for .....	1460
Allen age 14, sold for .....	1260
Emily age 19 and infant, sold for .....	1410
Julia and two small children sold for .....	1580
Ara age 50, sold for .....	340

During the 'fifties, the price of slaves reached unprecedented levels which were maintained until the outset of the Civil War.<sup>22</sup> On October 10, 1860, or thereabouts, a lot of seventeen slaves in Wake County sold at an average price of \$768; and one of the lot, a negro man, age nineteen, sold for \$1410. In November following, however, the editor of the *Raleigh Register*, alarmed at South Carolina's threat of secession, stated that South Carolina's movements were well calculated to impair materially the value of slaves in North Carolina and Virginia, and predicted that South Carolinians and planters from the Lower South would soon be buying slaves in North Carolina and Virginia at reduced prices.<sup>23</sup>

The practice of hiring out slaves was practically coeval with the establishment of slavery in the State; but, due to the increase of slaves and the development of various industries on a comparatively large scale, it came to be a more common practice in the nineteenth century. Slaves were not only hired out, but in some instances they were permitted to hire their own time and travel from place to place, working at some trade

<sup>21</sup> *Standard*, April 20, 1859. The prices of slaves quoted above may be slightly above the average, since they were printed as news items.

<sup>22</sup> The author was informed by Mr. Billie Drake, of Nash County, that on the day of his enlistment in the Confederate Army, in 1861, he was offered \$1500 for a young mulatto man.

<sup>23</sup> *Raleigh Register*, Nov. 21, 1860.

in which they were proficient. The practice of hiring a slave his time was forbidden by law,<sup>24</sup> and, as a rule, condemned by society; although in isolated cases it was connived at by the community group familiar with the parties. For example, in 1859, Reuben, a shoemaker, belonging to James F. Clark of Beaufort County, agreed to pay his master \$150 a year for the privilege of working in town on his own time, and one John Blount stood bond for the payment of the same.<sup>25</sup>

Objections to hiring slaves their time were numerous. In the first place, it was said that slaves in a state of semi-freedom were under no effective control, and hence acquired irregular habits, thereby setting a bad example for slaves under close supervision. In the second place, it was claimed that slaves took advantage of their liberty to foment conspiracies and insurrections. Finally, the hiring to a slave his time was sometimes the preliminary step to complete emancipation.<sup>26</sup> Emancipation resulted from a tacit or expressed understanding between the master and slave to the effect that the slave, in addition to paying the master a stipulated sum of money each year, could, by earning additional money, eventually purchase his freedom. Slaves who obtained the privilege of hiring their time were usually artisans of recognized ability whose services were in demand in the community and neighboring towns.<sup>27</sup> It was so common, in fact, for negro artisans to drift into the towns, that in some instances they encroached on the business of the resident artisans. In 1835, the city of Wilmington, a victim of this condition, secured the passage of an act which taxed slaveowners who permitted their slaves to hire their time and live in the city, an amount not exceeding four dollars per year.<sup>28</sup>

<sup>24</sup> See *Revisal of 1821*, pp. 740-741.

<sup>25</sup> Clark Plantation Book.

<sup>26</sup> Henry, *The Police Control of the Slave in South Carolina*, pp. 97-98.

<sup>27</sup> For examples of such cases, see Taylor, "The Free Negro in North Carolina." *James Sprunt Historical Publications*, XVII, no. 1, p. 13.

<sup>28</sup> MS. in Legislative Papers, 1835. The act did not apply to slaves of resident owners.

Slaves were hired out by their owners both publicly and privately. The public hirings were usually held at the county courthouses about the first of January. It was customary to advertise these hirings so as to draw a crowd and stimulate competition in the bidding. The following advertisement is characteristic:

"To Hire"

"On the first day of January 1841 at the Market House in Fayetteville that lot of valuable slaves belonging to the heirs of Kedar Bryan deceased and formerly hired in Sampson County."<sup>29</sup>

To guard against the neglect of slaves hired out, an agreement was commonly made between the owner and hirer of the slaves to the effect that the slaves were to be properly provided for in the matter of clothing, food, and medical attention; and to guard against personal injury, it was sometimes stipulated that the slaves were not to be employed in certain hazardous occupations. In 1847, one Sanderson of Tyrrell County hired out a negro man on the condition that the hirer was not to risk the slave on water or to carry him out of the County of Tyrrell.<sup>30</sup> Occasionally slaveowners insured the lives of their slaves;<sup>31</sup> and, had the principles of life insurance been better developed, it is probable that the generality of slaveowners would have had their valuable slave property more fully covered by insurance.<sup>32</sup>

Slaves were hired out: (1) for the benefit of orphans; (2) during the settlement of an estate; (3) when young, for their support; (4) when one's slaves became too numerous; and (5) in the case of artisans whose services were in demand in the community. The hiring out of slaves for the benefit of orphans was an approved practice and one which could scarcely be

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<sup>29</sup> *Fayetteville Observer*, Dec. 23, 1840.

<sup>30</sup> *N. C. Reports*, 9 Iredell, 5, and a similar case in 11 Iredell, 60.

<sup>31</sup> The author has encountered only two instances.

<sup>32</sup> The North Carolina Mutual Life Insurance Company of Raleigh insured the lives of slaves for a term of one to five years for two-thirds their value. Advertisement in the *North Carolina Cultivator*, May, 1855.

avoided; accordingly, the county courts authorized the guardians of orphans to hire out the slaves belonging to their charges to the best advantage.<sup>83</sup> In the case of slave children whose services were not especially valuable, the owners sometimes placed them with a reliable person for a specified time for their support. John R. Whitaker of Raleigh was desirous of placing a negro woman, "an excellent cook and washerwoman," and three children with some person for their support during the year 1845;<sup>84</sup> and, in the year 1855, James F. Clark made this entry in his plantation book: "I carry up Ben, Rila, Bill, and Adeline to Mr. Geo. Nichols at the Pilot Mountain. He is to have them until they are twelve years old or until January 1859 for their victuals and clothes, he paying their expenses to and from, and the doctor's bill if they should have any, and return them to me, death excepted, without any expense to me." In case a man owned more slaves than rendered him productive service, it was often found expedient to hire a portion of them to some individual or company. James F. Clark hired out from eight to ten common field hands nearly every year from 1847 to 1860.<sup>85</sup> With a few exceptions, he hired out the same lot of slaves from year to year, and during this thirteen year period his hired field hands had, in addition to himself, only two masters.<sup>86</sup> The policy of hiring one's slaves to the same person from year to year had much to commend it, provided the man they served were a good master. It was an aid to discipline, a guarantee that the slave would be well cared for, and, as a rule, insured more efficient service on the part of the slaves.

The hiring out of negro artisans was quite general. Ordinarily, it was more advantageous to hire out artisans than field hands; for artisans, such as coopers, carpenters, and cobblers usually received higher wages than the common field hands, and

<sup>83</sup> County Court Records of Nash County, 1828-60, *passim*; and the Colonial Court Records of Caswell County, N. C. Historical Commission, Raleigh.

<sup>84</sup> *Standard*, Jan. 15, 1845.

<sup>85</sup> There is no record for the years 1848 and 1855.

<sup>86</sup> Mr. Clark's negroes came home to spend the Christmas holidays.

were not so liable to be injured by overwork. Another advantage in allowing artisans to serve others was derived from the fact that they worked, for the most part, by the day or month instead of by the year—a practice which enabled their owners to make use of their services when required. On June 27, 1845, Mr. Clark's negro carpenter, Prince, was hired out at \$15 per month; in September, 1846, at \$18 per month; and in May, 1847, at \$20 per month.<sup>37</sup> Negro ditchers and well-diggers worked by the day in the vicinity of their master's plantation, to which they returned at night or for week-ends. In this manner, the master never relinquished complete control over his itinerant servants.

Corporations, as well as individuals, hired slaves; but, as a rule, those hired by individuals were better treated. On the plantations there was less likelihood of overwork and deterioration of morals than in the case of slaves working for railway or mining companies under strange overseers, alongside slaves, free negroes, and whites from different parts of the country. So great was the danger of injury to slaves employed by corporations, that railroad companies were required to give bond for the proper care of slaves.<sup>38</sup>

The scale of wages depended on many factors, notably: the skill of the workmen, the class of work, the demand for labor, and the state of industry. Relative to the difference, in the wages of artisans and ordinary hands, Olmsted asserted that the wages of ordinary practiced turpentine hands (slaves) were about \$120 per year, while a negro cooper received from \$150 to \$200 per year.<sup>39</sup> In 1847, James F. Clark hired out his negro carpenter, Prince, for \$240 per year, and at the same time he hired out seven field hands to Dave W. Jordan for \$95 per year for each hand.<sup>40</sup> Again, conditions of industry and finance exerted a direct influence on the wage scale. For ex-

<sup>37</sup> Clark Plantation Book.

<sup>38</sup> *Raleigh Register*, Dec. 8, 1841.

<sup>39</sup> Olmsted, *Seaboard Slave States*, p. 340.

<sup>40</sup> Clark Plantation Book.

ample, Mr. Clark was unable to hire out his negroes for as much money in 1857, a year of financial stringency, as in 1856. In 1852, the *Standard* carried the following comment on the labor situation: "Negroes were hired here on Tuesday last at 25% upon former prices. This is owing in the first place to the increased demand for labor occasioned by the building of the North Carolina railroad and the river improvements;<sup>41</sup> and secondly, to the abundance of money. Such prices cannot be permanent."<sup>42</sup> Notwithstanding this statement, negro men for ordinary farm and railroad work hired in Raleigh at a public hiring in 1860 for from \$100 to \$125 per year. Good cooks hired for \$75 and \$100, house servants from \$60 to \$80, and turpentine hands from \$160 to \$175 per year.<sup>43</sup> On the whole, there was a sharp rise in the wages of slaves toward the close of the slavery period. The Clark Plantation Book contains a record of the hiring of practically the same group of slaves over a period of thirteen years, 1847 to 1860.<sup>44</sup> A comparison of the wages received for the services of these slaves over a number of consecutive years will illustrate the upward trend in the price of slave labor:

Year	Number of hands hired out	Average annual wage per hand
1847	7	\$ 95.00
1849	6	95.00
1850	7	105.00
1851	7	113.56
1852	10	128.00
1853	2	125.00
1854	10	205.00
1856	10	200.00
1857	10	180.00
1858	10	180.00
1859	10	225.00
1860	9	250.00
1861	2	225.00

<sup>a</sup> Alexander Murchison sought to purchase 50 negroes and to hire 200 to be employed on the works of the Cape Fear and Deep River Navigation Co. Advertisement in the *Standard* of Jan. 6, 1855.

<sup>41</sup> *Standard*, Jan. 3, 1852.

<sup>42</sup> *Standard*, Jan. 11, 1860.

<sup>43</sup> See ante, p. 77.

In areas of staple production the wages of slave labor appear to have been as high as the wages of white labor. Hinton R. Helper stated that slave labor was better paid than free labor for farm work. "White hands," he said, "between the ages of twenty and forty received \$84 per year including board," while negro men were hired out on adjoining farms at an average of about \$115 per year.<sup>45</sup>

It is, perhaps, true that the ordinary white farm laborer was no more efficient than the average slave of like occupation. In the turpentine belt free white labor was regarded as being somewhat more efficient, but less manageable, than slave labor;<sup>46</sup> but on the farms and plantations slave labor enjoyed certain advantages. In the first place, the large plantations were, in some respects, industrial schools where slaves were taught to become proficient in various classes of routine labor; while the "poor whites" acquired whatever skill they possessed in a less systematic and less satisfactory manner. In the second place, slaves could be driven to almost any task; but the independent white laborer was less amenable to control.<sup>47</sup> Doubtless, in industry requiring initiative and technique, white labor was preferred, where it was available; for, aside from the matter of initiative, skilled labor did not require the presence of an overseer. In the piedmont in 1852 it was reported that the labor of either a free man or slave, including board and clothing, could be had for from \$110 to \$120 per year;<sup>48</sup> however, in areas of staple crops white laborers were too few to produce keen competition. Accordingly, the price of slave labor governed largely the price of white labor, and the whites were thus left to bear the burden of competition.

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<sup>45</sup> H. R. Helper, *Impending Crisis*, pp. 380-381. Helper's observations on the comparative wages paid to free and slave labor were made in the middle 'fifties.

<sup>46</sup> Olmsted, *Seaboard Slave States*, p. 350.

<sup>47</sup> Governor Hammond of South Carolina estimated that 50,000 out of 300,000 whites in South Carolina were languishing for want of employment because they could not compete with slave labor in agriculture. Schafer, "Sectionalism in South Carolina," *American Historical Association, Reports*, 1900, I, 394.

<sup>48</sup> De Bow, *Industrial Resources*, II, p. 178.

## CHAPTER VI

### PLANTATION ECONOMY

The comparative lack of concentrated wealth in North Carolina caused the plantation régime to be generally on a small scale, and the control of slaves to be accordingly informal.<sup>1</sup>

On every well-ordered plantation certain buildings, in addition to the dwelling of the proprietor, such as the stables, pork-house, storehouse, dairy, granary, and tobacco barns in the tobacco zone, were practically indispensable. Other buildings, such as a ginhouse, icehouse, loomhouse, carpenter's shop and mill, were convenient and perhaps necessary on the larger plantations, but on the smaller estates they were frequently absent. The small planter did not produce enough cotton to justify him in erecting a ginhouse and in installing a cotton gin for his individual use; and the erection of carpenter and blacksmith shops depended largely on whether the small proprietors owned slaves skilled in carpentry and the work of the forge. At the beginning of the nineteenth century, the proprietor of an estate of 800 acres on a branch of the Catawba River had in his yard a sawmill, a tanmill, a distillery for making brandy, and a small forge for horseshoeing. Seven or eight slaves were employed in the different departments at certain periods of the year.<sup>2</sup>

The negro cabins, usually about eighteen by twenty feet, were constructed of oak or pine logs hewn on the sides and notched at the ends. The interstices between the logs were filled with splints of wood and daubed with mud made of red or white clay.<sup>3</sup> The chimneys were constructed of rock or, more commonly, of sticks and mud, and the roofs of the cabins were covered with pine slabs. Most of the cabins contained lofts which provided sleeping quarters for the younger mem-

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<sup>1</sup> Olmsted, *A Journey through the Seaboard States*, p. 408.

<sup>2</sup> F. A. Michaux, "Travels," in R. G. Thwaites, ed., *Early Western Travels*, III, 292.

<sup>3</sup> The negro cabins in Edgecombe County in 1810 were without floors. MS. in the Henderson Letter Book.

bers of the family. A huge fireplace in each cabin served for both cooking and heating purposes, while a single door and window generally served for purposes of lighting and ventilation. The furniture of the cabins was scant and simple, ordinarily consisting of one or more bedsteads with mattresses stuffed with straw, a chest, some chairs, and a table. Most of the articles of furniture were home-made or those discarded by the proprietor's family, and the whole outfit represented but a small outlay in cash.

As a rule, an overseer was employed on the larger estates and on estates where the landlord was an absentee. Legally, the overseer sustained the same relation to the slaves as did the master.<sup>4</sup> Since their reputations for efficiency rested largely on the number of bales of cotton and the number of barrels of corn produced in a year with a given number of hands, overseers as a class were severe taskmasters.<sup>5</sup> In this regard, the statement of Judge Ruffin's overseer is interesting: "The best painter," wrote Judge Ruffin's son, "could not depict, nor the most skillful statuary carve a face more indicative of grief and despair than in his when one engages in conversation with him upon the weather, and the state of the farm. With all his industry and attention he has been able to do but little."<sup>6</sup> Proprietors were interested in securing overseers who were good managers and good farmers, but they were also interested in protecting their slaves from brutal punishment and over-work.<sup>7</sup> The following advertisement gives one some idea of the combination of qualities it was desired that an overseer should possess: ". . . . no person need apply unless he can bring with him recommendations from respectable planters certifying that he understands cropping and the management of slaves, and likewise that he bears the character of being an honest, industrious, and sober man."<sup>8</sup> An overseer's duties

<sup>4</sup> See Phillips, *American Negro Slavery*, p. 228 ff.

<sup>5</sup> Olmsted, *A Journey in the Back Country*, p. 57.

<sup>6</sup> *Ruffin Papers*, II, 25.

<sup>7</sup> See article on "Overseers" in the *Southern Planter*, July 1858.

<sup>8</sup> Advertisement for overseer by Richard Dobbs Spaight in the *New Bern Gazette*, Nov. 14, 1793.

and responsibilities were manifold. Subject to instructions from his employer, he was, in general, expected to direct the work of the negroes, and to see that plantation affairs were well-ordered. He was to observe the conduct of the slaves on all occasions, punish the refractory, and look after the well-being of all. In addition, the care of the stock and plantation equipment came within his special province.<sup>9</sup>

It was customary in some quarters to give overseers a share in the crop in part or whole payment for their services. Such an arrangement was designed to give them a personal interest in the crop. Archibald D. Murphey wished to hire two overseers in 1815, one of whom he desired to engage on shares, and the other either on shares or for a stated salary.<sup>10</sup> While the employment of an overseer "on shares" might insure a larger immediate return, the practice was criticised on the ground that it was rapidly producing general deterioration of the soil.<sup>11</sup>

The management of labor was further facilitated by the use of negro "drivers" or foremen. They were selected on the score of reliability and capability, and were employed on both large and small estates to lead the workers in the fields, to see to the prompt turning out of the hands in the early morning, and to report any misconduct or dereliction on the part of the slaves in the absence of the proprietor or overseer.<sup>12</sup> A negro driver supplemented the work of, and sometimes acted as substitute for, the proprietor on the small establishments. But, as a rule, the proprietors of small estates did their own overseeing and frequently worked with their slaves in the fields.

With the view of rendering slaves more content and tractable, and in order to encourage habits of thrift, many planters thought it expedient to give to their slaves, who desired it, bits of land on which they cultivated small crops in their spare time. The resulting produce was purchased by the owner of the slaves at the market price, and the money was then turned

<sup>9</sup> For the duties of overseers, see Phillips, *American Negro Slavery*, p. 261 ff.

<sup>10</sup> *Murphey Papers*, I, 83.

<sup>11</sup> *Farmers' Own Book*, p. 21.

<sup>12</sup> Henry, *The Police Control of the Slave in South Carolina*, p. 27.

over to the slaves who were permitted to spend it for articles of personal adornment.<sup>18</sup> "A quasi holding of property by negroes," said Edmund Taylor, "tends to make them industrious and respectable, adds materially to their comfort, and keeps them from wandering about on holidays and at unseasonable hours of the night."<sup>19</sup> Some slaveowners rewarded industrious and well-behaved slaves by distributing gifts, usually at Christmas or the first of January. For example, on January 1, 1817, Ebenezer Pettigrew made the following entry in his account book with his negroes: "Settled with Tom, George, Cromwell, and Lewis for their ditching in the nine feet ditch. The settlement is nothing more or [sic] less than presents for their good behaviour while working in it."<sup>20</sup>

Ebenezer Pettigrew kept accounts with his negro men. From his store he sold them food and clothing on occasion throughout the year, and in the fall he purchased the corn they made on their individual plots of ground and credited their accounts with the proceeds. For instance, in 1822, he sold to John eight pounds of tobacco, one-half gallon of molasses, one chest lock, and one-half bushel of potatoes, and purchased from John two barrels and two bushels of corn. Ordinarily, his negroes failed to make enough corn to pay for the articles with which they were charged and, consequently, the balance on account was carried over from year to year, with the result that that negroes seldom received any actual cash. By flagrant misconduct Pettigrew's slaves would forfeit their entire corn crop. In 1828, James was credited with ten bushels of corn at thirty-six cents per bushel, but the corn was forfeited to his master for stealing.<sup>21</sup> In 1829, Sam made no purchases and raised a crop of corn valued at \$4.71; however, this was forfeited for running away and for other "outrageous conduct." John was charged with three stolen watermelons valued at fifty cents,

<sup>18</sup> Margaret Devereux, *Plantation Sketches*, p. 37.

<sup>19</sup> Prize essay on plantation management in *The Southern Planter*, March, 1861

<sup>20</sup> MS. in the Pettigrew Papers. The Pettigrew plantation was situated on the Scuppernong River in Washington County.

<sup>21</sup> "Account Book with the Negroes," MS. in the Pettigrew Papers.

and a broken spade valued at \$2.00.<sup>17</sup> This particular slave-owner had a twofold purpose in view in keeping accounts with his negroes. In the first place, the scheme was used as an aid to discipline; and, in the second place, the hope of receiving a sum of money at the close of the year undoubtedly operated to make the slaves live frugally, with a resultant reduction of plantation expenses.<sup>18</sup>

Both large and small planters experienced difficulty in determining the correct proportion of hands to horses and of hands and horses to land; and as a result, the estates of slave-owners often approached the point of diminishing returns before the owners were aware of it. Under the slaveholding régime there was, under ordinary circumstances, a tendency for the population on a given plantation to encroach on the land. Slaveowners who entertained scruples against selling slaves sometimes allowed their plantations to become stocked with surplus labor, and, consequently, faced from year to year an increasing deficit. On the contrary, some slaveowners owned too much land for their working force. A slaveowner, writing for the *Farmers' Journal* from Tarborough in 1852, stated: "But, Sir, I am like most of farmers, I own too much land for my force. I have at least 1100 acres of cleared land now under fence and I cannot tend more than one-third of it, and that is not tilled in the way I wish."<sup>19</sup> He further stated that he worked thirty hands, seven of them men and the rest women. On the plantation called "Panola" in Edgecombe County, the proprietor, John S. Dancy, stated that he worked thirty-four hands of various sizes, ages, and qualifications, "twenty head of mules, and three yoke of oxen" in the cultivation of 220 acres of cotton, 225 acres of corn, 30 acres of oats, and 8 acres of sweet potatoes.<sup>20</sup> All told he cultivated fourteen and one-fifth acres to the hand with twenty-six head of draft animals.

<sup>17</sup> *Ibid.*

<sup>18</sup> The slaves were not charged with meat and meal, but were charged with molasses and shoes, articles customarily supplied by slaveowners.

<sup>19</sup> *Farmer's Journal*, July 1852, p. 102.

<sup>20</sup> *Arator*, April, 1855.

According to Upton Bruce of Nansemond County, Virginia, two hands to the horse was the proper proportion on soil which he designated "silicious loam"; but he admitted that on stiff, clayey soil a larger ratio of horses might be justified.<sup>21</sup> Edmund Taylor asserted in a prize essay that for a farm of 300 acres a working force of seven hands and six horses and mules was sufficient if only wheat and corn were planted.<sup>22</sup> James M. Chambers made the statement before the Southern Central Agricultural Association of Georgia that a good crop of cotton consisted of ten acres to the hand—"under favorable circumstances a little more may be cultivated and on some lands less."<sup>23</sup> As to tobacco and corn, Robert Russell is responsible for the assertion that a slave could, under favorable circumstances, cultivate twenty acres of Indian corn, but could not manage more than two acres of tobacco.<sup>24</sup> Tobacco not only demanded intensive cultivation, but in the ante-bellum period the curing and marketing of a crop required a great deal of time. As a result, planters frequently planted a new crop of tobacco before disposing of the old crop.<sup>25</sup> In the growing of all crops, the correct proportion of horses, hands, and acreage was largely a matter of individual judgment, but only the most enterprising planters consistently maintained what approached the proper adjustment.

On the large plantations there was a division of labor, and plantation work was so arranged as to provide almost constant employment for all slaves of both sexes above the ages of ten or twelve years. As a rule, the majority of slaves on the farms and plantations were field hands who either used the hoe or plough. Hoe work was, in the main, confined to women and children; but it was not uncommon for robust negro women to plough, especially in the rush seasons.<sup>26</sup>

<sup>21</sup> *Rufin Papers*, II, 586.

<sup>22</sup> *Southern Planter*, March, 1861.

<sup>23</sup> *Plantation and Frontier Documents*, Phillips ed., I, 276.

<sup>24</sup> Robert Russell, *North America*, p. 141.

<sup>25</sup> *Southern Planter*, March, 1859.

<sup>26</sup> Barnard, *South Atlantic States in 1859*, pp. 321-322.

The small children were organized on the large estates into what was known as the "trash gang"—a group which was employed in burning brush, sweeping yards, picking cotton, and numerous other light tasks.<sup>27</sup> In addition to the field hands and "trash gang," there were house servants, and perhaps carpenters, wheelwrights, blacksmiths, ditchers, painters, coopers, cobblers, and cooks. The plantation of Richard Hines, near Tarborough, embraced 2700 acres of land on which there were 150 slaves. Among the slaves there were three carpenters, two blacksmiths, one painter, "three first rate house servants—one of them a seamstress,—a good hostler, and some of the best cotton pickers in the State."<sup>28</sup>

On the Clark plantation in Beaufort County, the proprietor, J. F. Clark, put his negresses to spinning, August 18, 1831, and on December 2, his shoemaker, Rueben, commenced making shoes. September 15, the women and the "trash gang" were picking cotton.<sup>29</sup> In winter, the field hands belonging to Mr. Clark engaged in cutting cord wood, splitting rails, and in clearing new fields; his cooper made turpentine barrels, and his negresses carded and spun cotton and wool.<sup>30</sup> Blacksmiths and wheelwrights, in addition to working for their masters, also served the people of the community at their respective shops on the plantation. Henry, the slave of J. L. Bryan, did all sorts of repair work for the people in his neighborhood, and his master kept an account of the same. For example, in January 1850, Henry did the following woodwork:

"Joseph Cooper, to repairing sulky shaft, \$2.50.  
"Eimsly Hoggard, making axle tree, 50 cents.  
"H. B. Hardy, repairing one pair of cart-wheels, \$1.25.  
"H. B. Hardy, making wardrobe, \$6.00.  
"Estate of Geo. B. Outlaw, making coffin for George  
\$3.00.<sup>31</sup>

<sup>27</sup> The work of the "trash gang" is noted in the Clark Plantation Book.

<sup>28</sup> *Standard*, Jan. 3, 1852.

<sup>29</sup> Clark Plantation Book.

<sup>30</sup> Since a certain amount of expertness was required of a weaver, much of the weaving was done by white women.

<sup>31</sup> MS. in the Bryan Papers, N. C. Historical Commission, Raleigh, N. C.

It may be said that large planters enjoyed a certain advantage over small planters in that they could better afford to have their slaves apprenticed or hired out to learn trades. The amount of repair work on a farm was hardly sufficient to justify a farmer in having one or more of his slaves taught some special trade; in consequence, the generality of small planters and farmers patronized the artisans of large planters. The apprenticing of slaves was not so common in the nineteenth century as in colonial times; for, once an artisan was installed on a plantation, it was no longer necessary to send young slaves away to receive special training.<sup>32</sup>

Again, in the matter of purchasing supplies, the large planters enjoyed an advantage in that they bought supplies in large quantities from wholesale dealers. The invoice book of Edmund Jones of Wilkes County discloses that in 1817 he purchased goods in Charleston from the firm of Mease and Holmes in the sum of \$982.17.<sup>33</sup> T. P. Devereux, a large Roanoke River planter, purchased the bulk of his plantation supplies in wholesale quantities on twelve months' credit from Robert L. Maitland of New York.<sup>34</sup> Mr. Devereux also sold his cotton and corn in New York, and thereby gained the benefit of a more active market. Ebenezer Pettigrew, whose estate in Washington County consisted of 2500 acres and thirty-three slaves, had goods billed to him from northern cities; and his schooner, "The Lady of the Lake" carried cotton and other commodities to Norfolk and returned with plantation supplies.<sup>35</sup> By operating a schooner, Mr. Pettigrew probably effected a saving in the cost of transportation. Judge Ruffin, from his plantation near Graham, N. C., traded extensively with the firm of Andrew Kenan and Brother of Petersburg.<sup>36</sup> Plantation supplies were also purchased by him in Baltimore and

<sup>32</sup> About 1788 Benjamin Smith, presumably of Brunswick, N. C., sent four slaves to Charleston to learn trades. *Custom Receipts, Port of Brunswick.*

<sup>33</sup> MS. in the Lindsay Patterson Papers.

<sup>34</sup> Devereux Plantation Book.

<sup>35</sup> MS. in the Pettigrew Papers.

<sup>36</sup> *Ruffin Papers*, II, 314 *passim*.

New York and shipped by water to Norfolk, and thence by rail to Raleigh, where they were loaded on wagons for their destination in Alamance. The small planters with little capital and credit were under the necessity of purchasing supplies from nearby retail stores, and of selling their products in the local markets.

The overhead expense of the large planters was usually greater than that of the small planters, for the reason that the latter could and did dispense with the services of overseers and of certain functionaries around the dwelling, such as yard boy, coachman, and house servants.—functionaries whose presence lent something of stateliness to a slaveholding establishment, but whose services were largely non-productive. It is, perhaps, fair to assume that the waste on a large plantation was greater than on a small one, where the master and mistress scrutinized practically every transaction and exercised immediate oversight upon the care and conduct of the slaves.

The food given to slaves was, as a rule, coarse but ample. Underfeeding would produce discontent, promote theft, and impair the strength and effectiveness of a slave. The food consisted, in the main, of bacon and cornbread supplemented by potatoes, molasses, and vegetables in season. The proportion of meat to meal varied in different localities; but, generally, the allowance was a peck of meal and four pounds of meat weekly for each working hand. A contributor to the *Farmers' Journal* of May 1853 said, "Our plan has been to give men in winter five pounds of pork, clear of bone, and a peck of meal; and in summer we reduce the allowance of each one pound of meat and give a quart of molasses instead." On the plantations of J. Devereux, when potatoes were issued there was a reduction in the allowance of meal.<sup>37</sup> This plan was common on the majority of the farms and plantations. On the Jones plantation in Wilkes County,<sup>38</sup> only corn and bacon were issued to

<sup>37</sup> Devereux Plantation Book.

<sup>38</sup> After the division of Wilkes in 1841, the Jones plantation was in Caldwell County.

slaves from February to October; but, during November and December, beef in small quantities was issued as a substitute for bacon. During the hog-killing season, about the first of January, the slaves were given such delicacies as "spare ribs" and hogs' heads.<sup>39</sup> The record of allowances of food to slaves kept by Edmund Jones shows that corn was issued at varying intervals in quantities of from one to two bushels, and bacon in quantities of from about twenty to thirty-five pounds per slave family. No particular effort appears to have been made to fix a time limit for the consumption of a given amount of corn;<sup>40</sup> but, when bacon was issued, an entry was made showing how long the supply was expected to last, and the record reveals that no more bacon was issued until the time limit expired. Negroes prized bacon more highly than cornbread; hence the necessity of regulating the consumption of the former. In order to forestall waste and extravagance, it was virtually necessary to impose restrictions on the consumption of food; and, since the expense of feeding slaves was considerable, the master or mistress usually gave personal attention to the issue of rations.

The allowance of food for the effective workers was greater than that for children and the superannuated. On the Devereux plantations, "Montrose" and "Runoroi," the entire slave force was divided for purposes of feeding into two classes, hands and idlers. The table below gives the master's estimate of the annual allowance of rations for the two classes:<sup>41</sup>

Family	Hands		Idlers		Hands		Idlers	
	Hands	Idlers	Meat	Meal	Meat	Meal	Meat	Meal
Simon .....	2	1½	312	104	204	78		
Davy .....	1	none	126	44				
Hampton .....	2	4	312	104	208	104		
Isaac .....	2½	½	390	130	78	26		
Peter .....	3	1	468	156	156	52		
Polly .....	2	6	312	104	416	196		
Ransom .....	1½	4½	390	130	286	130		
Bill .....	2	5	312	104	386	126		

<sup>39</sup> "Book of Allowances" MS. in the Lindsay Patterson Papers.

<sup>40</sup> On this particular plantation corn, instead of meal, was issued to slaves.

<sup>41</sup> The exact year cannot be ascertained. The meal runs in pecks and the meat in pounds.

On a small establishment the slaves frequently ate in their master's kitchen. Consequently, there was no fixed allowance; but, none the less, economy was practiced in the kind and quantity of rations ordered for their consumption.

Another heavy item of expense in the maintenance of slaves was that of clothing. Since it was to the interest of the master to protect his slaves from exposure and consequent illness, they were provided in winter with outer garments made of woolen cloth; but in the warm months the clothing was scant and made of cotton. In general, the material from which the clothing was made was produced and manufactured on the plantation, and the tailoring was done by the mistress with or without the assistance of slave women. In summer the negro men wore only a single shirt and trousers, and the women were as scantily provided. In winter the outfit was somewhat more elaborate, consisting of a jacket, trousers, and shirt for the men and boys, and a chemise, petticoat, and frock for the women and girls.<sup>42</sup> Both sexes were provided with shoes in winter. Hats were not made on the plantations, and accordingly had to be purchased from dealers. Ordinarily, wool hats were worn by negro men in both summer and winter, while the negro women wore kerchiefs and sun-bonnets. Advertisements in the newspapers for runaway slaves give good descriptions of the kind of clothing worn by slaves at different seasons. In May, 1832, Thomas L. Cowan stated that a runaway slave, whom he sought to recover, wore a linsey woolsey roundabout, pantaloons, and a dark seal-skin cap.<sup>43</sup> In January, 1833, the runaway slaves of Elisha Hunter Sharp wore white wool hats, large black jackets of lion's skin cloth, and pantaloons of cotton and wool.<sup>44</sup> Another runaway in May, 1835, wore "an old brown fur hat, half worn or more, a thin striped jacket, and a pair of tow trousers."<sup>45</sup> It should be said, however, that

<sup>42</sup> See Phillips, *American Negro Slavery*, p. 266, and also the Clark Plantation Book.

<sup>43</sup> *Greensborough Patriot*, May 30, 1832.

<sup>44</sup> *Greensborough Patriot*, Jan. 30, 1833.

<sup>45</sup> *Ibid.*, May 13, 1835.

some slaveowners failed to provide their slaves with adequate clothing. Writing of conditions in Edgecombe County in 1810, a contributor to the Henderson Letter Book said the slaves were commonly well clothed, "but to this there are some shameful exceptions."

Clothing was generally distributed twice a year, in the fall and in the spring. On November 3, 1856, the following distribution of clothing was made on the plantation of James F. Clark:

"Prince, jacket, trousers, and shirt. Every boy on the plantation, jacket, trousers, and shirt. Jane's children have all their clothes. Patsey's baby, two yarn coats. Matilda, coat and shemise, Jane, frock and cloth to make petticoat. Esther, shemise and frock. Carolina, shemise and frock. Charity, shemise and frock. There can be no lie here. Amy's child, Louisa, has two dark yarn frocks with cotton sleeves."<sup>46</sup>

The cost of feeding and clothing a slave for a year has been variously estimated at different times. It was reckoned by James L. Watkins that in 1822 the total cost of feeding and clothing a slave together with doctors' fees amounted to \$23.10 for each adult slave,<sup>47</sup> but for 1849 the same authority estimated the cost of feeding alone, in Virginia, to be \$22.00 for each adult slave.<sup>48</sup> The cost varied with the time and was always conditioned upon the individual circumstances of the proprietor. Those proprietors who possessed the equipment, the labor, and the material for making shoes and clothing could, as a rule, supply their slaves with shoes and clothing cheaper than those proprietors who were under the necessity of patronizing the retail stores. As to the cost of feeding slaves, all self-supporting establishments were virtually on a parity, for

<sup>46</sup> Clark Plantation Book—Perhaps the mention of only one man in the distribution of clothing was due to the fact that in 1856 Mr. Clark hired out ten negro men to J. R. Grist. See *ante*, p. 77.

<sup>47</sup> "Production and Price of Cotton for One Hundred Years," Jas. L. Watkins. *Bulletin No. 9*, Bureau of Statistics, U. S. Department of Agriculture 1899, pp. 41-42.

<sup>48</sup> *Ibid.*, p. 36.

the small planter could raise corn and hogs as cheaply as the large planter.

Besides the occasional purchase of foodstuffs, planters must perform purchase from dealers numerous articles which it was either inexpedient or impracticable to produce on the plantations. Every year J. Devereux purchased large quantities of salt, molasses, blankets, hats, cotton bagging, leather, tobacco, and a few shoes and boots.<sup>49</sup> In 1847 Ebenezer Pettigrew purchased twelve pairs of brogan shoes at \$1.20 per pair and two dozen drab wool hats at \$5.37 per dozen.<sup>50</sup> Judge Ruffin occasionally purchased quantities of cotton oznaburgs from which shirts and trousers were made for his negro men.<sup>51</sup> Such miscellaneous purchases were perhaps more in evidence in Eastern Carolina than in the piedmont, where the soil did not lend itself readily to the growing of staple crops, and where markets were inconveniently situated. A large planter like John Devereux, who cultivated the fertile lands of the lower Roanoke River valley, doubtless realized a greater net profit year by year by focusing attention upon the growing of market crops than by subordinating the staples in order to make his plantation approach the point of self-sufficiency.<sup>52</sup> Mr. Devereux's plantation book shows that the annual sales of produce from his plantations were considerably in excess of purchases, except for one or two years when there was either a flood or a panic. The plantation records, however, cover the period of the 'fifties, a time of rising prices, and consequently may not be taken as typical of financial returns over a longer period of years. Take, for example, the sale of cotton, corn, and lard produced on the plantation called "Montrose" in 1858:

73 bales of cotton @ 11½	\$3,456.55
99 bales of cotton @ 11½	4,805.73
30 bales of cotton @ 11½	1,561.70
3445 bushels of corn	2,185.03
3802 bushels of corn	2,205.87

<sup>49</sup> Devereux Plantation Book, *passim*.

<sup>50</sup> MS. in the Pettigrew Papers.

<sup>51</sup> *Ruffin Papers*, II, 310. Not much cotton was grown on the Ruffin plantations.

<sup>52</sup> Mr. Devereux raised both cotton and corn for market.

3299 bushels of corn .....	\$2,229.75
Sales of lard .....	70.80
Total sales .....	\$16,515.32
Total itemized expenses .....	3,255.77
Net profits <sup>54</sup> .....	\$13,257.55

The amount of capital invested in "Montrose" cannot be ascertained definitely, but it was probably around \$100,000.<sup>54</sup> If we may assume this figure to be correct, Mr. Devereux realized a dividend of approximately thirteen per cent in 1858. The profits for that year, however, were somewhat above the average. For instance, in 1857, the year of the panic, net profits totaled \$4032.41; and in 1859 sales exceeded expenses by \$9701.02. On the plantation called "Runoroi," in 1854, a typical year for the period, expenses amounted to \$4926.40, while sales aggregated \$9559.30. The Devereux plantations were favorably situated and well-managed; hence, any generalizations as to the profitableness of slaveholding in general based on these figures would carry little weight.

One encounters many difficulties in attempting to ascertain definitely whether the generality of slaveholders actually realized substantial returns from their invested capital. Statements of slaveowners and travelers on this point carry force, but not conviction. In the first place, there is a paucity of records, and those available furnish rather meagre data for deductions. A common error of most planters in reckoning profit and loss was to leave out of account the personal expenditure of the proprietor. A plantation was both an industrial establishment and a homestead; but, as a rule, plantation accounts fail to include household expenditure or any wages of management

<sup>54</sup> The itemized expense account includes overhead expense, such as taxes and overseer's wages, but not the expense of the proprietor's household.

"Montrose" embraced 3313 acres of land, and there were 131 slaves on this plantation in 1858. If we place the average value of the slaves at \$500 each, the capital invested in slaves was \$65,500; and if we allow ten dollars per acre for the land, the real estate represented an investment of \$33,130. Slaves and land represented a combined investment of \$98,630. After making allowance for equipment, the total investment could not have been less than \$100,000. The land and buildings on this plantation sold for only \$12,000 in 1869. This information was supplied by Mrs. J. M. Winfree, Raleigh, N. C.

for the proprietor. Again, slaveowners were disposed to measure their wealth by the number of slaves they owned, frequently forgetting that, unless judiciously managed, slaves might become a liability instead of an asset. It often happened, as in the case of Archibald D. Murphey, that a slaveowner was forced to sell a part or all of his slaves in order to satisfy creditors.<sup>55</sup> At any rate, the weight of testimony with reference to North Carolina seems to indicate that many of the larger slaveowners were barely able to meet expenses. As early as 1784, the traveler, J. F. D. Smyth, observed that the planters in and around Halifax "were always twelve months in arrear."<sup>56</sup> A contributor to the Henderson Letter Book in describing the financial condition of the farmers and planters of Rockingham County said, "Too many of our farmers and planters owe the proceeds of their crops to the merchant before it is put in the ground." George E. Spruill, a cotton planter of the lower Roanoke section, on removing to Warren County about 1830, made this statement: "Even with the aid of a cotton crop we can but little more than make ends meet."<sup>57</sup> Judge Ruffin wrote, "My duty to my children requires me to labor, for my estate will not educate and provide for them."<sup>58</sup> A correspondent of the *Farmer's Register* stated in 1834: "We state as a result of extensive enquiry embracing the last fifteen years that a very great proportion of the larger planters with from fifty to one hundred slaves actually bring their proprietors in debt at the end of a short period of years. . . . planters are content if they barely meet their plantation expenses without a loss of capital."<sup>59</sup> Sir Charles Lyell, who visited North Carolina about 1841, noted that the masters of slaves, through false pride or through the love of their servants, refused to sell them, "hence they are constantly tempted to maintain a

<sup>55</sup> *Murphey Papers*, I, 158.

<sup>56</sup> Smyth, *Tour of the United States*, I, 99-100.

<sup>57</sup> *Ruffin Papers*, II, 18. Some allowance should be made here for the disposition of planters to complain of hard times.

<sup>58</sup> *Ibid.*, II, 154.

<sup>59</sup> *Farmers' Register*, I, 39.

larger establishment than is warranted by the amount of their capital, and they often become involved in their circumstances, and finally bankrupt."<sup>60</sup>

Financial stringency or flush times, and the rise and fall of the price level were factors whose operations were not confined to any class of slaveowners; but the class of larger slave-owners, moved by family pride and tradition, often affected a style of living not warranted by their financial condition. Negroes and land afforded good security for loans; and negroes, like land, could be mortgaged and sold under execution to satisfy one's creditors. Planters, however, were somewhat reluctant to mortgage slaves; and, if they became involved in financial difficulties, preferred to sell land or one or more slaves and continue to live in the style befitting the station of a planter.

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<sup>60</sup> Lyell, *Travels in America*, p. 147.

## SUMMARY

The beginnings of slavery in North Carolina are not clearly marked. Slaves in small numbers were brought in by the early settlers from Virginia, partly in response to overtures of the Lords Proprietors and partly as an incident of removing from a slaveholding community to an adjacent region. Not until the growing of tobacco for market in the region around Albemarle Sound came to be an important industry, was there a pronounced demand for slave labor as such. During the eighteenth century, there was a tendency towards concentration of slaves in the tobacco counties along the Virginia border and in the tidewater section of the Lower Cape Fear, where rice was grown for market. In these areas the plantation system appeared quite early; elsewhere in the Province slaves were scattered and informally controlled. The demand for slaves, while never excessive, was supplied with difficulty. Virginia was the chief source of supply, others were obtained in the West Indies, with practically none coming direct from Africa. There were no restrictions on the foreign slave trade before the Revolution, and it was not until 1794 that the legislature prohibited by a heavy fine the further importation of slaves.

Notwithstanding the introduction of cotton culture and its spread into the piedmont, industry in the early nineteenth century remained, for the most part, immobile. Exhaustive methods of tillage depleted the soil, with the result that slave labor was diverted into channels other than agricultural. Eventually, the more intelligent and progressive farmers and planters turned to soil improvement as a substitute for the old system of exhaustive tillage. Many planters sent or took their slaves to the fertile cotton lands of the Southwest, where, as a rule, they could be more profitably employed. Indeed, this movement of slaves and whites to the Southwest reached such proportions during the 'thirties as to render the whites left behind indifferent to the spirit of enterprise.

The sale and hire of slaves under certain circumstances was a well-established practice. In general, desirable slaves were sold reluctantly, under safeguards; but the vicious and refractory were sold promiscuously. Slaves were hired out extensively to the exploiters of turpentine forests, and in lesser degree to railroad and mining companies. The wage scale varied with the times, the skill of the laborer, and the nature of the task.

In the management of slaves on small estates, there was no general practice; but on the larger estates there was an approach to uniformity. To the more difficult matter of making the proper adjustment of hands to horses and land, however, each planter applied his individual judgment, with varying degrees of success. As a rule, the large planters of the East, by stressing the staples, farmed for a money profit; while the economy of the piedmont was largely self-sufficing. Speculation as to the profitableness of slaveholding, based on the testimony of planters, travelers, and others, seems to warrant the conclusion that in North Carolina slaveholding was not generally profitable.

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### PRESENT STATUS OF MODERN EUROPEAN HISTORY IN THE UNITED STATES

BY  
CHESTER PENN HIGBY



CHAPEL HILL  
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# THE PRESENT STATUS OF MODERN EUROPEAN HISTORY IN THE UNITED STATES

By

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with the encouragement and assistance of

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## PREFACE

This bulletin is an outgrowth of a conversation on the present status of Modern European History which took place among three members of the American Historical Association at the Ann Arbor meeting of 1925. After considerable correspondence among a group of interested men, a questionnaire was sent out to about 250 persons supposed to be devoting their attention to this field of study. The present bulletin is based on the replies received. Its publication has been made possible by the Department of History and Government of the University of North Carolina.

The purpose of the bulletin is indicated by its title. Before its publication no one had a very definite idea of the number of workers in the field, their publications, or their special interests. This bulletin gives in compact form the more obvious facts about the men and women at work in Modern European History. It ought to be of assistance to future program committees of the American Historical Association, to editors in search of competent reviewers, and to young students who wish to get in touch with someone familiar with the organization and resources of the archives and institutions of Europe. The bulletin is put forth in the hope that it may create a greater *esprit de corps* among the workers in Modern European History, and that it may be a first step toward their closer coöperation for the advancement of this important field of knowledge.

The questionnaire has revealed many interesting facts about the preparation, the fields of interest, and the plans of those at work in Modern European History.<sup>1</sup> Thus far three American universities have trained practically all the scholars in this field. Twenty-seven report training in German universities; eighteen in French universities; and twelve in English universities. Most of the research of American students of Modern

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<sup>1</sup> Those answering the questionnaire reported on studies on which considerable progress had been made.

European History has been done in the libraries and archives of Paris and London. Forty-two report themselves as having worked in the British Museum; thirty in the Public Record Office; twenty-three in the Bibliothèque Nationale, and fifteen in the Archives Nationales. Few have ventured away from these well-known centers of research. With one or two exceptions American students of Modern Continental European History have ceased to be interested in the Renaissance, the Protestant Revolt, and other topics which antedate the year 1789. Even the more recent period has only been touched. As might have been expected, more scholars are interested in the World War and related topics than in any other phase of Modern History. Eleven have the French Revolution and six the Napoleonic Period as their fields of special interest. Fewer have confessed an interest in social and economic history than might have been expected. The questionnaire shows a growing interest in Slavic Europe and the Near East.

The bulletin is by no means complete. In making up a mailing list for the questionnaire, the compiler had to depend on his personal knowledge, the information obtainable from college and university catalogues, and the kindness of friends of the enterprise. Consequently some names may have been omitted. A few failed to forward their replies. Many ignored in their answers the most elementary rules for the preparation of bibliographical data. Others modestly failed to give a complete list of their publications. As a result the bulletin reveals the present status of Modern European History very imperfectly.

The compiler is under great obligation to many people. He is especially indebted to Professor Robert J. Kerner of the University of Missouri for his constant encouragement and readiness to answer appeals for advice, and to Professor J. F. Willard of the University of Colorado for generously placing at his disposal the wisdom gained from four years of experience with his *Progress of Medieval Studies in the United States of America*. Professors Arthur I. Andrews of Tufts College,

William T. Morgan of the University of Indiana, Charles Seymour of Yale University, C. J. H. Hayes of Columbia University, and Henry R. Shipman of Princeton University voluntarily sent long lists of names. Professors Andrews, Kerner, Morgan, and Shipman joined with Professors Robert H. Lord of Harvard University, Henry E. Bourne of Western Reserve University, and Bernadotte E. Schmitt of Chicago University in signing the circular letter which accompanied the questionnaire and in giving freely of their encouragement and assistance. The Department of History and Government of the University of North Carolina made possible the publication of the bulletin. Miss Cornelia S. Love of the Library of the University of North Carolina supplied much of the information omitted in the replies to the questionnaire. Professor Howard W. Odum, its director, and Miss Katherine Jocher, immediately in charge of the Institute for Research in Social Science at the University of North Carolina, gave invaluable assistance in preparing for the press the raw material of the questionnaire. Above all the compiler wishes to express his gratitude to the one hundred and sixty workers in the field of Modern European History who made the bulletin possible by their full and prompt replies to the questionnaire.

C. P. H.

CHAPEL HILL, N. C.

*September 1, 1926.*



## A LIST OF PERSONS INTERESTED IN THE FIELD OF MODERN EUROPEAN HISTORY

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*This bulletin attempts to indicate the preparation, the present position, the field of special interest, the publications, and the present address of each person in the list. The field of special interest is given in parentheses.*

ABBOTT, WILBUR C., A.B., Wabash College, 1892; A.M.; B.Litt., Oxford University, 1898; M.A., Yale, 1908; (D. Litt., Wabash). Studied British Museum, Bodleian Library. Professor of History, Harvard (Modern European History and Politics).

*Expansion of Europe: a social and political history of the modern world* (American historical series), rev. ed. 2 v. in 1, Henry Holt, 1924; *Conflicts with Oblivion*, Yale University Press, 1924; *New Barbarians*, Little, Brown, 1924; many articles in *American Historical Review*, *English Historical Review*, *Yale Review*, *Atlantic Monthly*.

Address: 74 Sparks Street, Cambridge, Mass.

ACHORN, ERIK, Ph.D., Harvard, 1925. Studied France, Archives Nationales, War Office, Foreign Office, University of Paris, College de France, Bibliothèque Nationale. Assistant Professor, Miami University (French Revolution).

*La conscription de l'an VII et celle de l'an VIII* in *La Révolution française*, Nouvelle série, No. 24, October-December, 1924.

Address: 201 N. Main Street, Oxford, Ohio.

ADAIR, E. R., B.A., London; M.A., Cantab. Studied British Museum, Public Record Office, Institute of Historical Research (London), Foreign Office Archives (Paris). As-

sociate Professor of Modern History, McGill University, Montreal, Canada (Late 16th and early 17th century: English history and European relations therewith).

*Privy Council Registers, English Historical Review*, October 1915; *Statute of Proclamation, English Historical Review*, January 1917; *English Galleys of the Sixteenth Century, English Historical Review*, October 1920; *Writs of Assistance, English Historical Review*, July 1921; *Sources of the History of the King's Council in the 16th and 17th Centuries*, Macmillan, 1924; *Biography of William Thomas, Clerk of the Council*.

Address: McGill University, Montreal, Canada.

**ALLISON, JOHN M. S.**, B.A., Princeton, 1910; Ph.D., 1914. Studied University of Paris, Archives Nationales, Archives in Ministère des Affaires Étrangères, Bibliothèque Nationale. Associate Professor of History, Yale (Nineteenth Century France).

*Church and State in the Reign of Louis Philippe*, Princeton University Press, 1916; *Adolphe Thiers and the French Monarchy*, Houghton Mifflin, 1926.

Address: 855 Yale Station, New Haven, Conn.

**ANDERSON, FRANK MALOY**, B.S., University of Minnesota, 1894; M.A., 1896. Studied Paris, 1909, 1923. Professor of History, Dartmouth College (European History 1789 to the present).

*Constitutions and Documents illustrative of the History of France, 1789-1908*, H. W. Wilson, 1908; Joint author *Handbook for the Diplomatic History of Europe, Asia, and Africa, 1870-1914*; Superintendent of Documents, Washington, D. C., 1918.

Address: "Parkside," Hanover, N. H.

**ANDREWS, ARTHUR, I.**, A.B., Brown, 1901; Ph.D., Harvard, 1905. Studied Madrid, 1905, 1920; Paris, 1905, 1920; Prague, 1921. Professor of History, Tufts College (The Slavic and Mohammedan East).

*Errors in the Brest-Litovsk Treaty, American Journal International Law; chapter on Africa in Historical Bibliography, American Historical Association (in press). Various articles in Historical Outlook; reviews in American Historical Review, American Political Science Review, American Journal of International Law, Historical Outlook, Czechoslovak Review, Slavonic Review.*

Address: 11 Atkin's Place, Medford Hillside, Mass.

**ARNETT, ALEX M.**, A.B., Mercer, 1908; A.M., Columbia, 1913; Ph.D., 1922. Professor of History, North Carolina College for Women.

Address: North Carolina College for Women, Greensboro, N. C.

**ARTZ, FREDERICK B.**, A.B., Oberlin, 1916; Ph.D., Harvard, 1924. Student University of Toulouse, 1919; studied French Archives, 1922-1923. Assistant Professor of History, Oberlin College.

Address: 105 Elm St., Oberlin, Ohio.

**BARBOUR, VIOLET**, A.B., Cornell, 1906; Ph.D., 1914. Studied Record Office, British Museum, Bodleian Library, 1911-1913, 1925-26. Associate Professor of History, Vassar College (English History, 17th Century; Historical Geography, History of Commerce).

*Henry Bennett, Earl of Arlington*, American Historical Association, 1915.

Address: Vassar College, Poughkeepsie, N. Y.

**BARNES, DONALD GROVE**, B.A., Nebraska, 1915; M.A., Harvard, 1917; Ph.D., 1923. Studied London School of Economics, Cambridge, Record Office, British Museum, Goldsmith Collection. Assistant Professor of History, University of Oregon.

Address: 768 12th St., Eugene, Oregon.

**BARNES, HARRY ELMER**, A.B., Syracuse, 1913; A.M., 1914; Ph.D., Columbia, 1918. Professor of Historical Sociology, Smith College (Historiography, Social Sciences, Responsibility for the World War).

*Social and Political Theory*, Knopf, 1924; *History of Political Theories*, Macmillan, 1924; *New History and the Social Studies*, Century, 1925; *History and Prospects of the Social Sciences*, Knopf, 1925; *The Genesis of the World War*, Knopf, 1926; Joint author *Economic and Social History of Europe*, Houghton Mifflin, 1926.

Address: 108 Maynard Road, Northampton, Mass.

**BARNES, WALTER CARL**, A.B., Colorado College, 1912; B.A., Oxon, 1916. Studied in France and Italy. Associate Professor of History, University of Oregon.

Address: University of Oregon, Eugene, Oregon.

**BARR, FRANK STRINGFELLOW**, B.A., University of Virginia, 1916; M.A., 1917; B.A., Oxon, 1921; diploma, Paris, 1922. Studied Balliol College, Oxford; University of Paris; University of Ghent; Royal Library, Brussels. Assistant Professor of History, University of Virginia (French Revolution and Napoleon).

Address: University, Va.

**BASYE, ARTHUR H.**, A.B., University of Kansas, 1904; A.M., 1906; Ph.D., Yale, 1917. Studied Public Record Office, British Museum. Professor of History, Dartmouth College (Colonial Administration, 1748-1782).

*Earl of Carlisle and the Board of Trade, 1779*, *American Historical Review*, January, 1917; *Secretary of State for the Colonies, 1768-1782*, *American Historical Review*, 1923; *Lords Commissioners of Trade and Plantations*, Yale University Press, 1923.

Address: Hanover, N. H.

**BECKER, CARL L.**, B.L., University of Wisconsin, 1896; Ph.D., 1907. John Stambaugh Professor of History, Cornell (18th Century, French and American Revolutions).

*Horace Walpole's Memoirs of the Reign of George III*, *American Historical Review*, January-April, 1911; *Influence of Social Problems and Ideas upon the Study and Writing of History*, *American Journal of Sociology*, March,

1915; *The Dilemma of Diderot*, *Philosophical Review*, January, 1915; *Bismarck*, *The Nation*, 1919; *Europe Through the Eyes of the Middle West*, *The New Europe*, May, 1920; *Napoleon After 100 Years*, *The Nation*, May, 1921; *A Letter from Danton to Marie Antoinette*, *American Historical Review*, October, 1921; *The Declaration of Independence*, Harcourt, Brace, 1922.

Address: 109 W. Upland Road, Ithaca, N. Y.

BELLER, ELMER, A., A.B., Cornell, 1916; A.M., Columbia, 1917; Ph.D., Oxon, 1923. Studied Oxford University, British Museum, Public Record Office (London), Bodleian, Staatsbibliothek (Berlin). Instructor, Princeton (Early Stuarts and Thirty Years' War).

*The Negotiations of Sir Stephen Le Sieur, 1584-1613*, *English Historical Review*, January, 1925; *The Mission of Sir Thomas Poe to the Conference at Hamburg, 1638-40*, *English Historical Review*, January, 1926.

Address: 134 Little Hall, Princeton, N. J.

BENJAMIN, GILBERT GIDDINGS, Ph.B., Syracuse, 1899; A.M., Yale, 1904; Ph.D., 1907. Professor of History, University of Iowa (Recent European History particularly economic and social).

*German Philosophy and Education*, *The Syracusan*, 1917; *Lessons from German Economic Development*, *Efficiency Journal*, 1919; Joint author *Modern and Contemporary European Civilization*, Lippincott, 1923.

Address: Iowa City, Ia.

BENSON, CLEMENT, L., A.B., Union College, 1905; A.M., University of Nebraska, 1921; Ph.D., Cornell, 1926. Assistant Professor History and Political Science, University of Arkansas. (French Revolution).

Address: 15 Forest Ave., Fayetteville, Ark.

BREBNER, JOHN BARTLETT, B.A., Oxford, 1920; M.A., 1925; B.Litt., 1925. Studied Oxford, Canadian Archives, (Ottawa). Instructor, Columbia (Colonial Policy and Imperial Administration).

Article in *Canadian Historical Review*, March, 1925; Article in *Political Science Quarterly*, March, 1926.

Address: 500 Riverside Drive, New York.

**BOTSFORD, JAY BARRETT**, M.A., Columbia, 1915; Ph.D., 1924.

Studied Oxford and British Museum. Assistant Professor of History, Brown University (Effects of Oversea expansion on England in the XVIIIth Century).

*English Society in the Eighteenth Century as Influenced from Oversea*, Macmillan, 1924.

Address: Brown University, Providence, R. I.

**BOURNE, HENRY ELDRIDGE**, B.A., Yale, 1883; B.D., 1887.

Studied Archives Nationales, Archives des Affaires Etrangères, Bibliothèque Nationale Paris, Record Office, British Museum, London. Professor of History, Western Reserve University (Revolutionary Period and Recent European History).

*Revolutionary Period in Europe, Century*, 1914; *Organisation of the First Committee of Public Safety; Annual Report American Historical Association*, 1894; *American Constitutional Precedents in the French National Assembly, American Historical Review*, VIII; *Improvising a Government in Paris in July 1789, American Historical Review*, X; *Municipal Politics in Paris in 1789, American Historical Review*, XI; *Maximum Prices in France in 1793-1794, American Historical Review*, XXIII; *Food Control and Price-Fixing in Revolutionary France, Journal of Political Economy*, Editor Lecky, *French Revolution*, Appleton, 1904; *Correspondence of the Comte de Moustier with the Comte de Montmorin, 1787-1789, American Historical Review*, VIII.

Address: 11480 Sessler Rd., Cleveland, Ohio.

**BRAND, CARL FREMONT**, A.B., Indiana University, 1915; A.M., 1916; A.M., Harvard, 1918; Ph.D., 1923. Studied British Museum, Public Record Office. Assistant Professor of History, Stanford University (England since 1760).

*The Conversion of the British Trade Unions to Political Action, American Historical Review, January, 1925.*

Address: Stanford University, Cal.

**CARROLL, E. MALCOLM**, A.B., Michigan, 1916; M.A., 1917; Ph.D., 1922. Studied Paris, Bibliothèque Nationale, Archives Nationales. Assistant Professor of European History, Duke University (Franco-German relations, 1870-1914).

*French Public Opinion on War with Prussia in 1870, American Historical Review (July, 1926).*

Address: Duke University, Durham, N. C.

**CHEYNEY, EDWARD P.**, A.B., University of Pennsylvania; A.M.; Ph.D.; (Litt.D., University of Wisconsin). Studied University of Leipzig, British Museum, Public Record Office in London, Royal Library (Munich). Professor of European History (English History, English Economic History).

*Introduction to the Industrial and Social History of England*, Macmillan, 1901; *Short History of England*, Ginn, 1904, new ed. 1922; *European Background of American History, 1300-1600*, Harper, 1904; *A History of England from the Defeat of the Armada to the Death of Elizabeth*, Longmans, 1926; *Social Changes in England in the Sixteenth Century*, Appleton; Articles in the fields of English Social and Constitutional History, and in general historical problems.

Address: 259 S. 44th St., Philadelphia, Pa.

**CLARKSON, JESSE DUNSMORE**, A.B., Williams, 1918; A.M., Columbia, 1920; Ph.D., 1925. Studied in Dublin (Cutting Fellow of Columbia University), College of the City of New York.

*Labour and Nationalism in Ireland*, Longmans, 1925

Address: 468 W. 144th St., New York.

**COLLIER, THEODORE**, Ph.D., Cornell, 1906. Studied Berlin, Marburg. Professor of History and International Relations

and Head of Department of History, Brown University (Modern European History).

*A New World in the Making*, Paris, 1919; numerous reviews in *American Historical Review* and other journals. Address: Brown University, Providence, R. I.

COOK, ARTHUR N., B.S., Colgate, 1919; A.M., University of Pennsylvania, 1921. Instructor, Princeton.

Address: 177 Moore St., Princeton, N. J.

COOLIDGE, ARCHIBALD CARY, A.B., Harvard, 1887; Ph.D., Freiburg in Baden, 1892; (LL.D., Harvard, 1916), Professor of History and Director of the College Library, Harvard (Recent European History, Near and Far East).

*The United States as a World Power*, Macmillan, 1908; *The Origins of the Triple Alliance*, Scribner, 1917; *Claimants to Constantinople*, Holt, 1917; *Secret Treaties of Austria Hungary*, 2 vol., Harvard University Press, 1920-21; various magazine articles.

Address: Harvard College Library, Cambridge, Mass.

CROBAUGH, MERVYN, Ph.D., Stanford University, 1923. Assistant Professor of Economics and Sociology, University of Indiana.

Address: 1004 E. Second, Bloomington, Ind.

CROSS, ARTHUR LYON, A.B., Harvard, 1895; A. M., 1897; Ph.D., 1899. Studied Berlin, Freiburg i/B, Tulham Palace (London). Hudson Professor of English History, Michigan (English Constitutional History).

*History of England and Greater Britain*, Macmillan, 1914; *Legal Materials as Sources for the Study of Modern English History*, *American Historical Review*, 1914; *English Criminal Law and Benefit of Clergy during the Eighteenth and Early Nineteenth Centuries*, *American Historical Review*, April, 1917; *Short History of England and Greater Britain*, Macmillan, 1920; *Anglican Episcopate and the American Colonies*, Harvard University Press.

Address: 705 S. State St., Ann Arbor, Mich

**CURTIS, EUGENE N.**, B.A., Yale, 1901; B.D., Cambridge Episcopal Theological School, 1904; M.A., Harvard, 1904; Ph.D., Columbia, 1917. Studied University of Paris, University of Munich. Professor of History, Goucher College (French Revolutionary History).

*The French Assembly of 1848 and American Constitutional Doctrines*, Columbia University Studies in History, Economics and Public Law, 1918; *The Background of Germany's Hold on Russia*, *Historical Outlook*, May, 1919; *La Révolution de 1830 et l'Opinion Publique en Amérique*, *La Révolution de 1848*, June, September, 1921. *American Opinion of the French Nineteenth-Century Revolutions*, *American Historical Review*, January, 1924.

Address: 31 York Court, Baltimore, Md.

**DAVIS, JEROME**, Ph.D., Columbia, 1921. Studied Russia. Head of Department of Social Service, Yale (Russian Revolution; Russian-American Relations).

*A Sociological Interpretation of the Russian Revolution*, *Political Science Quarterly*, June, 1922; *Should America Recognize Russia?* *The Annals*, July, 1924; *The International Activities of the Soviet Government*, *Publications of the American Sociological Society*, XIX; *The Russian Situation*, *The Consensus*, May, 1925; *Shall We Quarantine the Russian Government?* 1926.

Address: 1110 Edwards Hall, New Haven, Conn.

**DENNIS, ALFRED L. P.**, A.B., Princeton, 1896; Ph.D., Columbia, 1901. Studied England and elsewhere. Professor of Modern History, Clark (Modern History since 1815).

*Eastern Problems at the Close of the Eighteenth Century*, 1901; *Anglo-Japanese Alliance*, University of California, 1923; *Foreign Activities of Soviet Russia*, Dutton, 1924; Articles in *North American Review*, *Atlantic Monthly*, *Political Science Quarterly*, *American Political Science Review*, *New York Times*, *New York Tribune*, *Baltimore Sun*, and *London Times*.

Address: Clark University, Worcester, Mass.

DILWORTH, JAMES FRANCIS, A.B., Rutgers, 1902; A.M., Columbia, 1903; (Litt.D., Duquesne University, 1924). Assistant Professor of History, University of Pittsburgh.

Address: 147 N. Craig St., Pittsburg, Pa.

DORN, WALTER L., Ph.D., University of Chicago. Studied Berlin archives, Archives Nationales (France). Instructor in History, Chicago (Eighteenth Century French and Prussian History).

Address: 90 Gates Hall, University of Chicago, Chicago, Ill.

DUTCHER, GEORGE MATTHEW, A.B., Cornell, 1897; Ph.D., 1903. Attended lectures at the Sorbonne and the College de France. Toured world, lecturing in colleges and universities in Japan, China, India. Professor of History, Wesleyan (Conn.).

*France in North Africa, South Atlantic Quarterly*, October 1907-July 1908; *Tendencies and Opportunities in Napoleonic Studies*, *Annual Report of the American Historical Association*, 1914; *Selected Critical Bibliography of Publications in English Relating to the World War*, reprinted from *History Teachers' Magazine* in *McKinley*; *Collected Materials for the Study of the War*, Philadelphia, 1918; *The Enlightened Despotism*, *Annual Report of the American Historical Association*, 1920; other articles in *Historical Outlook* and *American Historical Review*; editor-in-chief of the *Guide to Historical Literature*.

Address: 77 Home Ave., Middletown, Conn.

EARLE, EDWARD MEAD, B.S., Columbia, 1917; Ph.D., Columbia, 1923. Studied British Museum (London), Bibliothèque Nationale (Paris), Library and archives of the Deutsche Bank (Berlin), National University of Turkey (Constantinople). Associate Professor of History, Columbia (International Relations, with particular emphasis upon nationalism and imperialism in the Near East).

*An Outline of Modern History*, Macmillan, 1921, rev. ed. 1925; *Turkey, the Great Powers, and the Bagdad Railway*,

Macmillan, 1923; *The Secret Anglo-German Convention of 1914 Regarding Asiatic Turkey*, *Political Science Quarterly*, 1923; *The Turkish Petroleum Company, a Study in Oleaginous Diplomacy*, *Political Science Quarterly*, 1924; *Problems of the Near East*, *Bibliography Series*, no. 2, Carnegie Endowment, 1924; *The New Constitution of Turkey*, *Political Science Quarterly*, 1925; *The Trek of Near Eastern Minorities*, *Asia*, 1925; various articles in *The Nation*, *The New Republic*, *Current History*, *Historical Outlook*, etc.

Address: Columbia University, New York.

**EDDY, WILLIAM W.**, A.B., Princeton, 1911; A.M., Harvard, 1914. Studied Archives Nationales and Archives of the Foreign Office (Paris). Assistant Professor of History, Lafayette College (Diplomatic History and Near East).

Address: Lafayette College-History Department, Easton, Pa.

**EHRMANN, HOWARD MEREDITH**, B.A., Yale, 1921; M.A., Yale, 1922. Instructor in European History, Yale (Diplomatic and Political History of Europe since 1870).

Address: Box 1832 Yale Station, New Haven, Conn.

**ELLERY, ELOISE**, A.M., Vassar, 1897; Ph.D., Cornell, 1902. Studied Paris, Sorbonne, Archives Nationales, Bibliothèque Nationale, British Museum, Biblioteca Centrale Vittorio Emenuele (Rome). Professor of History, Vassar (French Revolution).

*Brissot de Warville*, Houghton, 1915; articles in *Times Current History*, 1925-26.

Address: Vassar College, Poughkeepsie, N. Y.

**FAY, SIDNEY BRADSHAW**, A.B., Harvard, 1896; Ph.D., 1900. Studied University of Paris, University of Berlin, Archives of Hannover, Prussian archives. Professor of History, Smith College (European History since 1870).

*Roman Law and the German Peasant*, *American Historical Review*, January, 1917; *Beginnings of the Standing Army in Prussia*, *American Historical Review*, July, 1917; *The Kaiser's Secret Negotiations with the Tsar*, 1904-1905,

*American Historical Review*, October, 1918; *New Light on the Origins of the World War*, *American Historical Review*, January, 1921; *Papers of Count Tisza, 1914-1918*, *American Historical Review*, January, 1924.

Address: 32 Paradise Road, Northampton, Mass.

FLING, FRED MORROW, A.B., Bowdoin, 1883; A.M., Leipzig; Ph.D., 1890. Studied University of Leipzig, Archives of Paris and French provinces, Naples, Vatican, Venice, Switzerland, Berlin, The Hague, London. Professor of European History, University of Nebraska (French Revolution and Historical Method).

*Criticism of the Memoires of Bailly*, *University Studies*, III, no. 4; *Genuineness of the Third Volume of Bailly's Memoires*, *La Revolution Francaise*, November, 1902; *Une Piece Fabriquée; le Troisième Volume des Mémoires de Bailly*; *The Authorship of the Journal d'Adrien Duquenoy*, *American Historical Review*, VIII, no. 1; *Historical Synthesis*, *American Historical Review*, October, 1903; *Mirabeau and the French Revolution*, vol. I; *The Youth of Mirabeau*, 1908, vol. II and III ready shortly; *Studies on Mirabeau*, *American Historical Review*, *Proceedings of American Historical Society and University Studies* (Nebraska).

Address: University of Nebraska, Lincoln, Neb.

FOGDALL, S. P., M.A., University of Chicago; Ph.D., University of Iowa. Studied Royal Archives at Copenhagen. Professor of History and Political Science, Des Moines University (Northern European History).

*Danish-American Diplomacy, 1776-1920*, University of Iowa, 1922.

Address: Des Moines University, Des Moines, Ia.

FORD, GUY STANTON, B.L., University of Wisconsin, 1895; Ph.D., Columbia, 1903. Studied London, Berlin, Hanover, Dresden Archives, University of Berlin, University of Nancy, France. Professor of History, Chairman of Department, Dean of Graduate School, University of Minnesota (Modern German History).

*Hanover and Prussia, 1795-1803*, Macmillan, 1904; *Boyen's Military Law*, *American Historical Review*, April, 1915; *Prussian Peasantry before 1807*, *American Historical Review*, April, 1919; *Schools as They have Affected Government Activities*, National Education Association, 1919; *Stein and Era of Reform*, Princeton Press; Articles in *American Historical Review* and *Proceedings of American Historical Review*.

Address: University of Minnesota, Minneapolis, Minn.

**FULLER, JOSEPH V.**, A.B., Harvard, 1914; Ph.D., 1921. Studied University of Paris, University of Berlin. Special Assistant, Division of Publications, Department of State, Washington (Diplomatic History).

*The War Scare of 1875*, *American Historical Review*, January, 1919; *Bismarck's Diplomacy at its Zenith*, Harvard University Press, 1922.

Address: 1417 Buchanan St., Washington, D. C.

**FULLER, MARY BREESE**, A.B., A.M., Smith. Studied Oxford University, Record Office, British Museum, Bodleian. Former Associate Professor Smith College (Seventeenth Century English History).

*The Origin of Thanksgiving*, *Pilgrim Magazine*, November, 1903; *The Fulfilment of Moore's Utopia*, *The Survey*, December, 1916; *In the Time of Sir John Eliot*, *Three Studies in Seventeenth Century English History*, Smith College *Studies in History*.

Address: Care H. J. Fuller, 40 Wall St., New York.

**GALPIN, WILLIAM FREEMAN**, B.A., Northwestern, 1913; M.A., 1914; Ph.D., Pennsylvania, 1917. Studied British Record Office, British Privy Council Office, British Museum. Associate Professor of History, University of Oklahoma (English Economic History; Napoleonic Period; American History, 1789-1815; English Agricultural History; American Agricultural History).

*The American Grain Trade to the Spanish Peninsula, 1810-1814*, *American Historical Review*, October, 1922; *The*

*Grain Trade of England During the Napoleonic Period*,  
Macmillan, 1925.

Address: Faculty Exchange, University of Oklahoma, Norman, Okla.

**GARRETT, MITCHELL B.**, Ph.D., Cornell, 1910. Studied libraries and archives of Paris. Head of History Department, Howard College (French Revolution and Napoleon).

*The French Colonial Question, 1789-1791*, 1916; *The Beginning of the French Revolution, Howard College Studies*, 1923; *The Convocation of the States General, Howard College Studies*, 1923; *The Controversy over the Composition of the States General, Howard College Studies*, 1924; *A Critical Bibliography of the Pamphlet Literature Published in France, July 5-December 27, 1788, Howard College Studies*, 1925.

Address: Howard College, Birmingham, Ala.

**GEORGE, ROBERT H.**, A.B., Amherst, 1911; A.M., Harvard, 1913; Ph.D., Harvard, 1916. Studied archives in Paris and London. Associate Professor of History, Brown University (The Reign of James II, 1685-1689).

Address: Brown University, Providence, R. I.

**GIBBONS, HERBERT ADAMS**, A.B., Pennsylvania, 1902; A.M., Princeton, 1907; Ph.D., 1914; (Litt.D., Pennsylvania, 1920). Studied Oxford, Sorbonne and Bibliothèque Nationale (Paris), Vatican Library, (Rome), Vienna, Constantinople. Editorial Advisor Century (Near East from Turkish Conquest; Contemporary History).

*New Map of Europe, 1911-1914*, Century, 1914; *New Map of Africa, 1900-1916*, Century, 1916; *New Map of Asia, Century, 1919*; *Foundations of the Ottoman Empire*, Oxford Book Co., 1921; *Introduction to World Politics*, Century, 1924; *Europe since 1918*, Century, 1923; *America's Place in the World*, Century, 1924; *Les Doctrines du President Wilson avec Application aux Differents Problèmes de*

*la Paix*; many articles in French, English, and American reviews and magazines on contemporary European problems. Address: Princeton, N. J.

**GILLESPIE, JAMES EDWARD**, A.B., Cornell, 1909; A.M., Harvard, 1910; Ph.D., Columbia, 1920. Assistant Professor of European History, Pennsylvania State College (European Expansion). *Influence of Oversea Expansion on England to 1700*, Longman, Green, 1920; *Oversea Lands and the Development of English Natural Science, Historical Outlook*, November, 1920; symposium on H. E. Barnes, *The Significance of Sociology for the New or Synthetic History, Historical Outlook*, November, 1922; *National Industrial Development through International Forces, Historical Outlook*, May, 1924; *The Transportation of English Convicts after 1783, Journal of Criminal Law*, November, 1922.

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*Radicalism of Jean Paul Marat, Sewanee Review*, April, 1921; *Marat dans la Journée du 14 Juillet; La Révolution Française*, March, 1923; Series of 6 booklets on *The French Revolution*, Julius Haldeman, 1923-1925; *Communism dur-*

*ing the French Revolution, Political Science Quarterly*, September, 1925; *The Criminality of Jean Paul Marat, South Atlantic Quarterly*, April, 1926; *Maratana Inédits, Annales de la Révolution Française* (near issue).

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*Evolution of the English Corn Market*, Harvard University Press, 1915; *Early English Customs System*, Harvard University Press, 1918; *Introduction to Economic History*, Harper, 1922; *History of Agriculture in Europe and America*, Crofts, 1925.

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*Colonial Policy of William III in America and West Indies*, Macmillan, 1922; *David Hartley, M.P., an Advocate of Conciliation, 1774-1785*, University of California Press (in press).

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*British Radicalism*, Longmans, 1912.

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*British Social Politics*, Ginn, 1913; *Background of the League of Nations*, League of Nations, Atlantic Monthly Co., 1919; *Brief History of Great War*, Macmillan, 1920; *Causes of Great War, These Eventful Years*, *Encyclopedia Britannica*, 1924; joint author *Modern History*, Macmillan, 1924; *Political and Social History of Modern Europe*, 2 v.,

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*A Lady of the Old Regime*, Macmillan, 1909; *Blucher and the Uprising of Prussia against Napoleon, 1800-1815* (Heroes of the Nations), Putnam, 1911; *Symbol and Satire in the French Revolution*, Putnam, 1912; *A Short History of Germany*, rev. ed., 2 v. in 1, Macmillan, 1923; review of *Sir Edward Grey's Memoirs*, *The Nation*; articles on *Charles V* and on *Konigsmarck*, *American Historical Review*.

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*The Religious Policy of the Bavarian Government during the Napoleonic Period*, *Columbia University Studies in History*, 1919; *History of Europe, 1492-1815*, Houghton, 1927 (in press).

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*History of Diplomacy in the International Development of Europe*, 3 v., Longmans, Green.

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*Preliminaries of the World War*, Philadelphia, 1918; *A Syllabus for a Course in Modern European History*, Topeka, 1919; *The Growth of British Interest in the Route to India*, *Journal of Industrial History*, June, 1923; *The Overland Route to India in the Eighteenth Century*, *History*, January, 1925; *The First Steam Voyage to India*, *Geographical Review*, January, 1926.

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*Diplomatic Relations of the United States with Sweden and Norway between 1814 and 1905*, Iowa City, 1921.

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*History of Europe from 1862-1914* (joint author), Macmillan, 1917; *Brief History of Europe from 1789-1815* (joint author), Macmillan, 1919; *Poland's Attempts to Frame a Constitution, Annual Report of the American Historical Association*, 1920.

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*Renaissance and Reformation*, Century, 1914.

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*The Unification of South Africa, Proceedings of the Wisconsin Academy*, 1922; *Intra-Imperial Aspects of Britain's Defense Question, Canadian Historical Review*, June, 1922; *Gladstone's Views on British Colonial Policy, Canadian Historical Review*, December, 1923; *Sir James Stephen and British North-American Problems, Canadian Historical Review*, March, 1924; *Finmark in British Diplomacy, The American Historical Review*, April, 1925.

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*Rumania vs. the Peace Conference, Journal of International Relations*, January, 1920; *Peasant Coöperation and Agrarian Reform in Rumania, Political Science Quarterly*, March, 1920; *Liquidating our War Illusions, Journal of International Relations*, April, 1922; joint author *Economic History of Modern Europe*, Houghton, 1927.

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*The Franco-Russian Alliance, 1890-1894, Slavonic Review*, March, 1925; June 1925; *The European Powers and the French Occupation of Tunis, 1878-1881, American Historical Review*, October, 1925; January, 1926; *The Origins of the Russo-Japanese War*, (to appear in near issue of *Europäische Gesprache*); book reviews in *American Historical Review*, *New Republic*, *Journal of Social Forces*, *Political Science Quarterly*, *New York Herald-Tribune*, etc.

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*England and the French Revolution*, Johns Hopkins, 1910; *William Pitt and his Recent Critics, South Atlantic Quarterly*, January, 1912; *Nationalism, American Historical Association Report*, 1915; *Public Opinion and the General Election of 1784*; *English Historical Review*, April, 1916; *William Pitt and Westminster Elections, American Historical Review*; articles in *Sewanee Review*, *South Atlantic*

*Quarterly, American Political Science Review; editor Parliamentary Papers of John Robinson; British History for American Students*, Macmillan, 1926.

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*Doctrine and Practice of Intervention in Europe*, American Academy, 1900; *Merchant Adventures of England, Their Laws, Ordinances, etc.*, Longmans, 1902; *The Merchant Adventurers at Hamburg*, *American Historical Review*; *Commercial Relations Between Saxony and the United States; the Napoleonic Period as a Field for Commercial History; Commercial Control during the World War; Paradoxes of Post War Europe*, etc.

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*The Leclerc Instructions*, *Journal of Negro History*, X, 80-98.

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*Second Partition of Poland*, Harvard University Press, 1915; *Bismarck and Russia in 1863*, *American Historical Review*, 1923; *Poland and Lithuania*, *Foreign Affairs*, June, 1923; *Origins of the War of 1870*, Harvard University Press, 1924; joint author *Some Problems of the Peace Conference; The Congress of Berlin; The Third Partition of Poland; Belgium: a Study in Catholic Democracy*.

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*Government of the Ottoman Empire in the Time of Suleiman the Magnificent*, Harvard University, 1913; *Influence of the Rise of the Ottoman Turks upon the Routes of Oriental Trade*, *American Historical Association Report*, 1914; *Constantinople as Capitol of the Ottoman Empire*, *American Historical Association Report*, 1916; *Return of the Turk*, *Forum*, May-June, 1923; *Changing Conditions in the Near East*, *Current History*, December, 1925; other articles in *Current History*.

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*The German Revolution, 1918-1919*, Leland Stanford University Press, 1922.

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*Napoleon's Navigation System*, New York, 1919.

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*The Labor Problem and the Social Catholic Movement in France*, Macmillan, 1921; joint author *Modern History*, Macmillan, 1923; *A Syllabus on International Relations*,

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*Political Parties and Leaders in the Reign of Queen Anne, 1702-1710*, Yale University Press, 1920; *Syllabus in Modern European History, 800-1920*, Indiana University, 1920; *A Ministerial Revolution in England*, *Political Science Quarterly*, May, 1921; *An Eighteenth Century English Election*, *Political Science Quarterly*, December, 1922; *A Guide to the Study of English History*, Knopf, 1926; *Some Attempts at Imperial Coöperation in the American Colonies during the Reign of Queen Anne*, Royal Historical Society *Translations*, 1926.

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*New History of Great Britain*, 3 pts, Oxford Book Co., 1920-22; *History of European Diplomacy*, Longmans, 1922; *Diplomacy of Napoleon*, Longmans, 1924; *European States System*, Oxford, 1924; *The Diplomatic Relations of Great Britain and the United States*, Longmans, 1925; various magazine articles.

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*History of English Witchcraft from 1558-1718*, American Historical Association, 1910; joint author *Common Debates for 1629*, University of Minnesota, 1921; joint editor, *Source Problems in English History*, Harper, 1915.

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*Commercial Policy in the French Revolution: a study in the career of G. J. A. Ducher*, Adams Prize Essay of the American Historical Association; *American Tobacco and*

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*Brief History of Poland*. Houghton, 1916.

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*Russia and the Dual Alliance*, *American Historical Review*, April, 1920; *International Rivalry and Free Trade Origins, 1660-1705*, *Quarterly Journal of Economics*, May, 1923; *Foreign Policy of Disraeli, 1875-78*; *Czecho-Slovaks in Siberia, 1918-19*; *The United States Expedition to Vladivostok, 1918-19*.

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*The Economic Policies of Richelieu*, University of Illinois Press, 1920; *The Siege of La Rochelle*, *Journal of Political Economy*, February, 1923; *The Huguenot System of Higher Education*, University of California, April, 1923; *Mercantilism as a Factor in Richelieu's Policy of National Interests*, *Political Science Quarterly*, December, 1924; *Modern European History*, *University of California Syllabus series*, no 178, 1925; articles in *The Historical Outlook and Chronicle*. Address: History Department, University of California, Berkeley, Cal.

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*British Policy and Opinion during the Franco-Prussian War, Columbia Studies in History, Economics, and Public Law, Vol. C; The Political Career of Lord Byron, Henry Holt; San Antonio, the Unsainted Anthony, Minton Balch (essay in The Taming of the Frontier).*

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*Bardon Papers, Royal Historical Society, 1910; Mr. Secretary Walsingham, and the Policy of Queen Elizabeth, Oxford Press and Harvard Press, 1925; various articles in English Historical Review, American Historical Review, Quarterly Journal of Economics.*

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*Petition of Right, University of Minnesota, 1917; Common Debates for 1629, University of Minnesota, 1921.*

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*Religious Toleration in Prussia under the Great Elector and its Material Rewards, English Historical Review, 1909; New Light on Mary, Queen of Scots, Washington Historical Quarterly, 1910.*

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*Resist Not Evil, International Journal of Ethics, 1917.*

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*The Politics behind Braddock's Expedition, American Historical Review, XIII, 72; Henry Fox, First Lord Holland: A Study of the Career of an Eighteenth Century Politician, 2 v., Clarendon Press, 1911; The Case against Great Britain, Texas Review; President Wilson's Dogma, Texas Review; The Bankruptcy of Allied Statesmanship, Texas Review; Selected Bibliography, S. A. T. C., 1918; book reviews in American Historical Review, Mississippi Valley Historical Review.*

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STUDIES IN  
HISPANIC-AMERICAN HISTORY

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# I. SOME NOTES ON THE TRANSFER BY SPAIN OF PLANTS AND ANIMALS TO ITS COLONIES OVERSEAS

BY JAMES A. ROBERTSON

"Very extraordinary," says the good Jesuit father, Bernabé Cobo, writing in 1652, "is the abundance of the increase in this New World of all the animals, fruits, vegetables, and all manner of plants which the Spaniards have taken to it since they discovered and settled it."<sup>1</sup> So true was this, continues the same author, that some people doubted that certain things had been transferred from Spain at all, but declared them native to the new lands. A residence of forty years in America, however, and an acquaintance with old men who remembered when certain European animals and plants were not to be found in the Indies, or who remembered, even, when some of them were first brought over, gave Cobo a right to speak with a certain authority on the matter.<sup>2</sup> Induced by friends or officials, the observant Jesuit had the prescience to write down what he knew of the bringing of new forms of life to the Indies, and his chapters on this subject are valuable testimony.<sup>3</sup>

But Cobo, although he will be used largely in this paper, is not the only authority on this phase of Spain's constructive labors in the colonies. Others—and some much earlier than he—left partial record of animal and plant transfer to and from the Indies, among them Cortés, the conquerer, Oviedo, the official, Acosta, the Jesuit (whose books have run into many editions), Herrera, the chronologist, Solórzano, the jurist, and many others. It might be of some little interest to note here something of what various of these writers have said regarding the matter, restricting ourselves at this time to transfers to the colonies. Even a slight study shows that Spaniards thought of

<sup>1</sup> Bernabé Cobo, S. J., *Historia del Nuevo Mundo . . . publicada por primera vez con Notas y otras Ilustraciones de D. Marcos Jiménez de la Espada.* 4 vols. Seville, 1890-1895, II, 340.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, p. 342.

other things beside gold and precious stones, and that among the early explorers, discoverers, officials, and others, were persons with a large outlook and some with a scientific type of mind—largely untrained though they may have been in the exact tenets of science. Thus we find the great pioneer Cortés writing:

"I assure your Cæsarian Majesty that, could we but obtain plants and seeds from Spain, and if Your Highness would be pleased to order them sent to us . . . the ability of these natives in cultivating the soil and making plantations would very shortly produce such abundance that great profit would accrue to the Imperial Crown of your Highness; . . ."<sup>4</sup>

This paper must be taken merely as an introduction to a more ambitious work which I hope to undertake some day.<sup>5</sup> Readers must be charitable if the information be thin at times and of a somewhat "hearsay" character. A work of this nature, to be complete, needs the testimony of botanists and other scientists and a minute sifting of all sources. It must be premised also that the early writers, being human, and living in an age when exact observation was not regarded so necessary, perhaps, as now, were not always immune from error; so that one must check up their assertions from as many sources as possible. Cognizance must also be taken of the fact that the Spaniards sometimes transferred animals or plants into their colonies which were already to be found there. A notable instance of this was the transfer of horses to the Philippine Islands, although the Chinese horse had long been known there. In a sense, these were, however, real transfers, especially in the case of plants, for in more than one instance, the European

<sup>4</sup> *Letters of Cortés*, translated and edited by Francis Augustus MacNutt, New York and London, G. P. Putnam's Sons, 1908, II, 201 (the fourth letter, October 15, 1524). Later in the same letter (MacNutt, II, 218) Cortés says: "I have also explained to Your Cæsarian Majesty the need for plants of all kinds; for every species of agriculture may flourish here; but nothing has been so far provided, and I again pray Your Majesty to order a provision from the Casa de Contratación at Seville, so that no ship be allowed to sail without bringing a certain number of plants which would favour the population and prosperity of the country."

<sup>5</sup> This subject first began to interest me over a score of years ago, and I have at various times made notes concerning it; but, as this is written, I am unable to locate but a small part of my materials.

variety thrived better than the indigenous, or enriched it. With these warnings, we are ready to begin our examination of the evidence, without claiming in any way to be exhaustive and without claiming, even, to present the best evidence. This paper must be regarded merely as composed of notes that may be useful in the writing of a more definitive article on the subject of animal and plant transfers.

Cobo's evidence is especially interesting and valuable. He states that he does not know in all instances by whom introductions were made into each province; yet he remarks the problem is not a very difficult one, for most products were taken first to Isla Española, whence they were transferred to other regions. It is true, however, as he says, that some products were taken to other parts without passing through Isla Española first.<sup>6</sup> Since his acquaintance was more intimate with Peru than any other region, it is not surprising that he confines himself more especially to that country.

On his very first voyage, Columbus noted the lack of European fruits, vegetables, grains, and animals. Accordingly, on his second voyage, he carried animals for breeding purposes, besides seeds and slips of plants.<sup>7</sup> Later expeditions did the same thing, so that, says Cobo, "there are very few plants of all the kinds grown in Europe which have not been transferred to this land."<sup>8</sup> And he makes the sage observation that the transfer of animals and plants has been more advantageous to the New World than the immense wealth of gold and silver sent thence to Spain.<sup>9</sup> One may predict, he continues, that every Spanish plant will thrive in the New World.<sup>10</sup> One potent cause for the great increase in plants and trees has been the destruction and change of site of many Spanish and Indian settlements. Abandoned by their inhabitants, gardens have run riot, while cattle reverting to a wild state, have continued to breed and have formed immense herds. Soldiers on entering

<sup>6</sup> Cobo, *ut supra*, p. 342.

<sup>7</sup> *Ibid.*, pp. 344-346.

<sup>8</sup> *Ibid.*, p. 344.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*, pp. 345-346.

a ruined city in Chile found veritable groves of various kinds of fruit trees, which bore excellent fruit. The Indians once destroyed a Spanish settlement in the valley of Neyva, situated between Peru and the Nuevo Reino de Granada. They left some of the cattle behind, which continued to breed and within a short time had formed immense wild herds.

On their part the Indians, recognizing the benefits to be derived from the new animals and plants, ere long began to pay their tributes in wheat and cattle.<sup>11</sup> The immensity of excellent grazing lands was a potent aid in the breeding and dissemination of animals; while plants, in addition to human agency (both of Spaniards and natives) were often spread by birds and in other ways.<sup>12</sup>

#### TRANSFER AND SPREAD OF ANIMALS

The American Indies were astonishingly bare of domestic animals. Dogs of questionable breeds, and cats, were not rare, and there were some wild pigs. The wild buffalo or American bison roamed the plains of North America; in South America, the Indians had tamed the vicuña and llama. But horses and domestic cattle were unknown. Columbus, himself, took the first horses to Isla Española in 1493. Ponce de León, Narváez, Soto, and Luna y Arrelano had horses in their expeditions to Florida. Cortés took this friend of man to Mexico, where the awestruck natives thought it some sort of powerful god; Pizarro, to Peru; and Coronado, into the southwest. There is no doubt that horses aided very materially in the conquest.<sup>13</sup>

In the first years of the conquest, it was common to pay from 3,000 to 4,000 pesos for a horse, but they bred so rapidly in the New World that the price dropped very materially within a comparatively short time.<sup>14</sup> Very soon also some horses escaped into the wilds where they quickly reverted to a wild state forming as seen above immense herds. Wild herds were

<sup>11</sup> *Ibid.*, pp. 346-347.

<sup>12</sup> *Ibid.*, pp. 347-348.

<sup>13</sup> *Ibid.*, p. 350.

<sup>14</sup> *Ibid.*, p. 355.

no uncommon sight in Isla Española,<sup>15</sup> and they rose to uncommon proportions in the colonies of Paraguay and Tucumán.<sup>16</sup> The immense herds that roamed through our own western country are too well known to need more than mention. These also were often the descendants of horses that escaped from the conquistadores. In Cobo's time the best horses came from Chile, where they had been introduced from Peru.<sup>17</sup>

Shortly after their permanent entrance into the Philippines (1565), the Spaniards also took horses thither, but the sturdy Chinese horse had been there for many years. The small ponies that are capable of drawing such extraordinarily large loads are descended from the Spanish horses (often Arabs or mixed with Arab) and the Chinese horse.

The first cattle were taken to Isla Española at the beginning of the conquest, and to Peru three or four years after Pizarro's entrance.<sup>18</sup> Like the horse, some of them escaped into the wilds and before long they too were formed into large herds in various regions.<sup>19</sup> Indeed, wild cattle were so numerous in Isla Española and other West Indian islands, that it was found profitable to kill them for their flesh and hides. The men who made this their business, most frequently English, Dutch, or French, though the scourings of many other nations gradually drifted into the seas of the Indies, were known as *boucaniers*, a word derived from an old Indian term, *boucan* or *buccan*, meaning the method of drying or smoking the meat; and since the piratical crews which scurried along the Spanish main during the sixteenth and seventeenth centuries were usually recruited from these men, the term "buccaneer," meaning pirate

<sup>15</sup> That sturdy buccaneer, John Esquemelin, in describing this island, speaks of this, saying that the herds often reached two or three hundred. The horses he described as low of stature, short bodied, with large heads, long necks, and big or thick legs.

<sup>16</sup> See Cobo, *ut supra*, p. 355.

<sup>17</sup> *Ibid.*, p. 356.

<sup>18</sup> *Ibid.*, pp. 358-360. See also Herrera, *Descripción de las Indias Occidentales*, 2d. ed. Brussels, 1730, 24-26, who notes the rapidity with which herds of cattle appeared in various provinces.

<sup>19</sup> *Ibid.*, pp. 358-360.

came into the English language. Acosta notes that in 1587, a single fleet carried over 64,000 hides to Spain. The pirate Esquemelin noted the large number of wild cattle in Isla Española and says that the bulls found there were of huge bulk.

The first asses in the New World were taken to Isla Española, whence they spread into other regions, being taken to Peru by Captain Diego Maldonado who obtained them in Jamaica. But most likely because of the abundance of horses throughout the Indies, neither asses nor their hybrid offspring, the mules, were very abundant in America in Cobo's time.<sup>20</sup> However, asses could be procured in Lima for prices ranging from 10 to 15 pesos;<sup>21</sup> while mules, which were very dear in early days could be had at reasonable figures in Cobo's time, work mules fetching only 30 to 40 pesos, riding mules, 60 to 100 pesos, and choice animals, 200 to 300 pesos.<sup>22</sup>

The New World had various kinds of wild, but no domesticated pigs. Because of their food value, the early conquistadores were accustomed to take large droves of European swine with them on their explorations and *entradas*, as, for instance, did Pizarro to Peru in 1531 and slightly later, Soto to Florida. Only four years after Pizarro's entrance into Peru, a slaughter house was erected in Lima, the first meat to be sold therein being pork.<sup>23</sup> A decree of the cabildo of Lima, dated August 14, 1536, ordered that a pig be killed daily and the meat sold for twenty reals per *arroba*, and that no other animals were to be killed.<sup>24</sup> In the middle of the seventeenth century pigs could be bought for eighteen pesos in Lima and even more cheaply in other places. Lard had a steady sale and the rendering of it was a fairly profitable business.<sup>25</sup>

Sheep, when transferred from Spain to the warm regions of America (and the same was true of the transfer to the Philippine Islands), did not thrive well. Later, however, it was

<sup>20</sup> *Ibid.*, p. 361.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*, p. 362.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*, p. 363.

<sup>25</sup> *Ibid.*, pp. 364-365.

found that those reared in the highlands of Peru and in Chile fared better, and in those localities it was not long after their introduction before the woolen goods made from their fleece were able to compete with those of Spain.<sup>26</sup> The Spaniards also early took goats and rabbits to the new lands, as well as dogs, although the Indians had plenty of the latter, albeit of poor breeds. The European dogs were used in tracking the poor Indians who fled before the cruelty of their self appointed masters, and many a victim fell before the ferocity of the great hunting mastiffs and bloodhounds. The classic example of the dog in the early days of American colonization was the animal used by Juan Ponce de León in his conquest of Porto Rico, which shared like and like with the soldiers in all booty and wages. Pizzaro took dogs to Peru, and Soto to Florida. Las Casas, the Apostle to the Indians, speaks in scathing terms of the cruelty of the dogs and the curious reader will find many interesting pictures of the dog in the great works published by Theodore de Bry in the latter part of the sixteenth century. There were instances of the dog reverting to a wild state, and Esquemelin mentions the great, wild dogs of Isla Española descended from those brought in by the Spaniards.

So much at this time for animals. Enough has been said to show that Spaniards were not insensible to the benefits to be derived by introducing them into their colonies. In their turn Portuguese, French, and English also introduced animals into their colonies, but the first beginnings came from Spain.

#### INTRODUCTION OF PLANT LIFE

It was quite natural for the Spaniards on coming to their new lands to look for the plant life to which they had been accustomed; and not finding it, to attempt to introduce it, both to remind them of the land of their birth and to serve as food and for other uses. It was also quite natural for them to transfer the plant life of the colonies to Spain or from one colony to another, but with this phase of transfer we have no concern in

<sup>26</sup> *Ibid.*, pp. 365-367.

the present article. In bringing seeds, roots, and slips from the mother country, it is not surprising that many difficulties were encountered, for methods of packing were generally crude, and in the long voyages in their insecure ships, it was not uncommon for everything to be drenched with seawater, while the intense heat as they entered the tropics caused many of the seeds to rot. The story of the transfer of wheat, for instance, is a thrilling one. Various attempts to bring seed had failed, and it seemed impossible to bring the seed alive to America. At last, however, what it seemed impossible to accomplish by design, was brought about by pure accident. It is recounted that a negro slave of Cortés, while preparing rice for the expeditionaries one day, discovered several grains of good wheat. These were planted in New Spain and grew, and the resultant grains were also planted. In due time, the harvest was sufficient for use.<sup>27</sup> A similar story is told of the introduction of wheat into Peru. Doña Inez Muñoz, wife of Martin de Alcántara<sup>28</sup>—one of the conquistadores who had come to Peru with Pizarro—one day in 1535 while cleaning rice to make some soup for the family meal, found a few grains of good wheat in the rice barrel. Since she was much interested in transferring Spanish products to the new possessions, she recognized the value of her discovery. Accordingly, she planted the grains in her garden. What a gala day that must have been when the first shoots appeared above the ground, for the wheat grew rapidly and yielded abundantly. For several generations the harvest was in turn planted and in 1539 the first flour mill was erected in Peru. Next year, the cabildo of Lima regulated the sale of flour, and on November 19, 1541, bread was sold at one real for two and one-half *libras* (pounds).<sup>29</sup> Other grains,

<sup>27</sup> See Humboldt, *Essai Politique sur le Royaume de la Nouvelle-Espagne* (Paris, 1811), III, 67-68.

<sup>28</sup> Her second husband was Antonio de Ribera who first brought the olive to America.

<sup>29</sup> Cobo, *ut supra*, pp. 414-415. Humboldt (*Essai Politique*, III, 67-68) says that the introduction of wheat into Peru was due to María de Escobar, the wife of Diego de Chaves. Of the wheat which she took to Lima, she is said to have given twenty or thirty grains to each farmer for planting. Humboldt says also that the first wheat was grown in Quito near the Franciscan convent by Father José Rixi, a native of Ghent.

including barley and rice, were early planted in Peru and flourished.<sup>30</sup> Many of the common vegetables not found in America were also among the European products early transferred to the colonies.<sup>31</sup> But of paramount interest, equal or nearly equal, in importance to wheat, as they were used also in the daily household economy of the colonists, were the vine, the olive, and the sugar cane, none of which (with the exception of a few varieties of wild grapes which were not cultivated at all by the Indians and which were small and sour) were found in America.

The first cultivated seed or slip of the vine was taken to Lima by Hernando de Montenegro, and so rapid was the development that by 1551 grapes were being gathered in abundance. In that year, being placed on sale, under the auspices of Licentiate Rodrigo Niño, they brought half a *peso oro* or 225 *maravedis per libra*. However, Montenegro, to whom the grapes belonged, considered this price too low and appealed to the audiencia of Lima asking that he be permitted to sell at a higher rate. So greatly were the first plants esteemed, says Cobo, that it was necessary to have them guarded by armed men, so that the shoots should not be stolen. The first vines taken from Peru to Chile sold at 3,000 pesos, and the shoots at 100 pesos each. In Cobo's time there was an annual export from Peru of more than 100 shiploads of grapes. The price of the wine made from the grapes dropped to as low as three to four pesos per *arroba*. As time passed most of the Spanish varieties of grapes were transferred to Peru and flourished; and as might be expected, found favor not only with the whites but with the Indians as well.<sup>32</sup> The Jesuit Joseph de Acosta,

Claudio Gay in his *Historia física y política de Chile*, Paris, 1852, I., says that Valdivia took wheat to Chile and that by the end of 1544, the yield had reached considerable proportions. In 1548, the first flour mills were constructed in Chile. Carlos Lemée (*La Agricultura y Ganadería en la República Argentina, La Plata*, 1844), says (p. 79) that in 1597, 1,458 *fanegas* of wheat were exported. After that year, however, exports decreased year by year until in 1605, they amounted to only about 551 *fanegas*.

<sup>30</sup> Cobo, *ut supra*, pp. 415-417.

<sup>31</sup> *Ibid.*, 417-418, 429-435.

<sup>32</sup> *Ibid.*, pp. 377-380. Claudio Gay (*Historia física y política de Chile*, I, 13) says that Valdivia took the vine to Chile from Peru, and that by 1551, not only was it cultivated in Santiago and Serena, but that in 1553 the inhabitants had begun to make a little wine.

writing much earlier than Cobo, bears similar testimony of the vine, but says that this most useful product did not thrive in Tierra Firme or in the islands. The vines bore well in New Spain, however, but the grapes were there used only for eating, no wine being made, because as Acosta conjectures, the grapes did not ripen thoroughly on account of the rains of July and August.<sup>33</sup> On the other hand, he says, excellent wine was made in Peru and Chile; and so great was the increase in those regions that the tithes of the church increased five or six times within twenty years.<sup>34</sup>

The olive was first brought to Peru by Antonio de Ribera, one of the principal settlers of that country. Having been sent to Spain as procurator for the new colony, on his return in 1560, he brought many olive plants from Seville, but only two or three survived the voyage. Planting these in his garden he had them carefully guarded against theft by Indians and dogs. Notwithstanding his care, however, all the plants except one were stolen one night, and taken to Chile where being planted they thrived exceedingly. The one left to Ribera became the parent of all the trees in Peru, and in Cobo's time was still living although the garden in which it had been planted had been transferred to a community of nuns.<sup>35</sup>

There is an interesting story in connection with this parent tree. Upon the occasion of a solemn procession held on a holy day, Don Antonio cut a small branch from his remaining olive plant, which he placed on the float on which reposed the most holy sacrament. As the float passed through the mass of wor-

<sup>33</sup> Acosta, *Historia natural y moral de las Indias* (the first edition of which appeared in Seville, in 1590), chapter xxxiii, "De las plantas y frutales que se han llevado de España a las Indias."

<sup>34</sup> *Ibid.*

<sup>35</sup> Cobo, *ut supra*, pp. 382-383. Humboldt (*Essai Politique*, III, 151) states that Cortés introduced the olive from Andalusia into New Spain. The same author says also (*ibid.*, III, 150) that the olive tree was seldom seen throughout New Spain. In fact there was only one plantation, that of the Archibishop, located near the city of Mexico. This plantation produced about 2,500 kilos of oil annually. The olive, like the vine, was introduced into California by the missionaries, (*ibid.*, II, 441).

shipers, many coveted the branch; but one of the ecclesiastics, Bartolomé Leones by name, took possession of it, and gave it to one Guillermo Guillén, an inhabitant of Lima much interested in agriculture, telling him to plant it and watch it carefully and when the time to bear came they would share equally in the profits. Guillén, whose garden contained many of the earliest plants brought from Spain, made haste to plant the branch near the spot where was later built the Franciscan convent. The olive sprouted and under his fostering care grew into a fine tree, even maturing ahead of the parent tree from which it had been cut. Thereupon, with canny foresight, Guillén obtained full title to the tree by giving the ecclesiastic a bar of silver for his share, and when this bargain was consummated, began to sell slips from it, and to plant a large grove for himself. The sale of slips alone netted him some three or four thousand pesos.<sup>86</sup> However, the rapidity and facility with which the olive reproduced speedily brought down the price of the product and slips to a low figure, and groves sprang up in all parts of the country. In certain localities, visited seldom or never by rain, it was grown from the first under irrigation. The product was so good that in many places it was preferred above the Spanish olive. Oil was early expressed and sold for a low price.<sup>87</sup>

Sugarcane was first brought to the West Indies by Pedro de Atienza, an inhabitant of Concepción de la Vega in Isla Española, and from this place it spread all over the tropical Indies redeeming much territory that had been considered as only waste. The product was larger than in its former home, and grew so abundantly that sugar was made in great quantities and soon became very cheap, costing only four or five pesos per *arroba*. In Peru, notwithstanding the heavy consumption of sugar, there was a considerable export to Spain.<sup>88</sup>

The first sugar in the Indies is said to have been made by Gonzalo de Vibora, who brought over sugar experts to Isla

<sup>86</sup> *Ibid.*, p. 383.

<sup>87</sup> *Ibid.*, p. 384. See also Acosta, *ut supra*, who mentions the olive of Mexico and Peru.

<sup>88</sup> Cobo, *ut supra*, pp. 408-410.

Española, and who erected a horse mill for expressing the juice. "To him alone," says Oviedo, "are due thanks for the first manufacture of sugar in America."<sup>39</sup> So rapid was the development of sugar growing that despite the heavy capital needed to run a mill because slave labor only was employed, many sugar mills were early established, among mill owners being Luis Colón, Cristóbal de Tapía, Miguel de Pasamonte, Lucas Vasquez de Ayllón, and many others whose names are familiar.<sup>40</sup> Until sugar became an object of export, ships had to return to Spain in ballast. In 1553, so much sugar was made in Mexico that heavy exports were made from Vera Cruz and Acapulco to Spain and Peru. One shipment of sugar to Spain before 1590 amounted to 898 boxes, each presumably of 8 arrobas' weight, and this notwithstanding the heavy consumption in the Indies. Sugar, indeed, became the chief product of the West Indian islands, and its abundance created a great demand for confections of various kinds.<sup>41</sup>

Among other food products introduced were date palms, which were planted in Peru soon after the founding of Lima. The dates, however, were not equal to those of Spain.<sup>42</sup> Figs were first planted half a league outside of Lima by one of the early conquistadores and soon became plentiful.<sup>43</sup> Pomegranates were early introduced into Peru and grew well, but the fruit, though good, was small;<sup>44</sup> they flourished also in Tierra Firme.<sup>45</sup>

Among other fruits bearing well before 1600 in various parts of the Indies were apples, pears, plums, peaches, apricots,

<sup>39</sup> Gonzalo Fernández de Oviedo y Valdes, *Historia General*, lib. IV, cap. viii. The above probably refers to the first sugar made in quantity, for Oviedo says also that some persons believed that the first sugar, although in very small quantity was made by Miguel Ballester, a native of Catalonia. Carlos Lemée (*La agricultura y la ganadería en la República Argentina*, La Plata, 1894), says (pp. 16-17) that by 1581 there was a large sugar crop in Asunción, Paraguay.

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*; Acosta, *ut supra*; and Humboldt, *Essai politique*, III, 170-173.

<sup>42</sup> Cobo, *ut supra*, pp. 386-387.

<sup>43</sup> *Ibid.*, pp. 387-388; Acosta, *ut supra*; and Oviedo, *ut supra*.

<sup>44</sup> Cobo, *ut supra*, pp. 388-391.

<sup>45</sup> Acosta, *ut supra*.

quinces, mulberries, oranges, lemons, limes, and other citrus fruit. Little success was had, however, with cherries, although they were induced to grow in a few places.<sup>46</sup> Quinces were widespread but flourished especially in New Spain.<sup>47</sup> Melons were found in abundance in Tierra Firme and parts of Peru.<sup>48</sup>

Oranges and lemons spread so rapidly that it early became not uncommon to see them growing wild in Isla Española. Acosta, indeed, says that whole forests of wild oranges were found growing in many localities.<sup>49</sup> The first oranges (both sweet and sour varieties) were taken to Isla Española from Spain, and thrived wonderfully both inside the city of Santo Domingo and in other parts of the island, and spread very soon to the other islands.<sup>50</sup> The first oranges were taken to Peru by Baltasar Gogo and planted in a garden not far from Lima. Lemons were unknown in Peru when Cobo first went there, but when he wrote they had been flourishing for a score of years.<sup>51</sup>

The mulberry was introduced into the New World by Hernando Cortés, who tried to establish the silk industry in New Spain.<sup>52</sup> The first bananas in the New World, according to Oviedo were planted in Isla Española in 1516 by Tomás Berlangas, a Dominican priest, who is said to have brought them from the Canary Islands;<sup>53</sup> but Acosta says that they had been known in America before the arrival of the Spaniards.<sup>54</sup> Cobo is probably in error in his assertion that the first bananas were planted in Tierra Firme, but probably correct when he says that the first ones were taken to Peru by a lady of Panama who went to that country.<sup>55</sup>

<sup>46</sup> Cobo, *ut supra*, pp. 391-395, 398-400.

<sup>47</sup> Acosta, *ut supra*.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> Acosta, *ut supra*.

<sup>51</sup> Cobo, *ut supra*, pp. 396-398.

<sup>52</sup> Cobo, *ibid.*, pp. 400-403. See also Humboldt, *Essai Politique*, III, 235.

<sup>53</sup> Oviedo, *ut supra*.

<sup>54</sup> Acosta, *ut supra*. See also Humboldt, *ut supra*, p. 21.

<sup>55</sup> Cobo, *ut supra*, pp. 444-451. It is quite likely, as above said, that bananas were introduced into the Indies by the Spaniards, but it is highly probable that they had been growing for many years in certain regions in the New World, undoubtedly having been transferred in some way from Africa.

With regard to the plant life of the New World, Candolle says that of 247 plants cultivated in America, 199 originated in the Old World, 45 in America, 1 in Australia, while the native habitat of 2 can not be determined.<sup>56</sup> It might be well in this connection to repeat Humboldt's warning, lest we get to believing that the New World was poorer in useful plant life than was really the case. He says:

"In general, if one considers the garden plants of the Aztecs and the great number of farinaceous and sugar roots cultivated in Mexico and in Peru, he will see that America was not nearly so poor in food plants as would appear from the untrustworthy evidence advanced by certain savants, who know the new continent only through the works of Herrera and Solis."<sup>57</sup>

And he notes further that, before the arrival of the Spaniards in America, Mexico and the Cordilleras of South America produced several fruits quite similar to those of the temperate climate of the old continent.<sup>58</sup>

On the other side of the globe, the Spaniards transferred various products to the Philippine Islands, both from the American Indies and from Spain. This story may not be taken up in any detail in this paper. Suffice it to say that Miguel López de Legazpi, who made the first permanent Spanish settlement in the Philippines (that at Cebu), in writing his official report of 1565, states that the soil was so fertile that four days after the Spanish forces had taken the native town of Cebu, "the Castilian seeds had already sprouted."<sup>59</sup>

Whatever mistakes the Spaniards made in their colonization of their new possessions, whether in the western or eastern

<sup>56</sup> Cited in Carlos Lemée, *La agricultura y la ganadería en la República Argentina*, La Plata, 1894, pp. 16-17. The student will do well to consult Candolle, *Origine des Plantes cultivées*, Paris, 1883; or its English translation, *Origin of Cultivated Plants*, New York, 1902.

<sup>57</sup> See *Essai Politique*, chapter iii, 140-141.

<sup>58</sup> *Ibid.*, p. 144. It might be worth while to remind ourselves that for purely economic reasons in Spain, the government of the mother country frowned upon the cultivation in the New World of the olive, mulberry, hemp, flax, and of the vine. See Humboldt, *Essai Politique*, III, 149.

<sup>59</sup> See Blair and Robertson, *The Philippine Islands*, 1493-1898, II, 214.

hemisphere, one can indorse much of what Claudio Gay says, namely:

"Never has a nation carried the colonizing spirit to a degree as high as the Spaniards. Although many of them expatriated themselves with the sole object of enriching themselves at any price, the majority had the firm resolution to contribute to the civilizing and evangelizing of semi-barbaric peoples. With this object they carried with them, not only the principal elements of civilization, such as domestic animals, wheat, beans, vegetables, etc., but also a force of goodwill and of perseverance truly wonderful which naught could change."<sup>60</sup>

<sup>60</sup> *Historia física y política de Chile*, Paris, 1852, I, 5. In connection with the general subject of this paper, see Lyman Carrier, *The Beginnings of Agriculture in America*, New York, 1923. Many other books containing possible data will occur to the reader, and many manuscripts will yield their quota as well.

## II. THE EUROPEAN POWERS AND THE SPANISH-AMERICAN WAR

BY J. FRED RIPPY

Any discussion of the attitude of the European nations during the war between the United States and Spain must center mainly around the procedure of Germany. It was generally believed at the time—and the view still persists—that the German Government was unfriendly towards the United States, and German diplomats were in fact prominent in the discussions which related to the war and its effects upon World Power. Contemporary newspapers of England and the United States conveyed the impression that Germany disapproved of American expansion; that the commander of the German squadron at Manila Bay conducted himself in an offensive manner; that Germany was eager to seize the Philippines; and that the Kaiser even tried to persuade the European powers to interfere in Spain's behalf. Moreover, these journals alleged that Germany and the nations of continental Europe were held in restraint solely by the pro-American attitude of Great Britain.<sup>1</sup> The persistence of this view in the United States finds illustration in a recent book published by Dr. Bertha Ann Reuter. With reference to Germany's attitude she says: "Germany was very much concerned over America's intentions both in Cuba and in the East. She was in no way pleased to see the United States acquire territory in either sphere."<sup>2</sup>

Documents recently published by the German government<sup>3</sup> afford an opportunity to test these beliefs. Although the final account can not be written until the archives of the other European nations have been searched, the main outlines of the story

<sup>1</sup> Cf. files of *The Literary Digest*, April to December, 1898, and of the *New York Times* for the same period. For a later dispute regarding the matter see *The Literary Digest*, XXIV (Feb. 22, 1902), 263.

<sup>2</sup> *Anglo-American Relations During the Spanish-American War* (1924), p. 127, *passim*.

<sup>3</sup> *Die Grosse Politik der Europäischen Kabinette, 1870-1914*. Most of the documents bearing upon the matter are found in Vol. XV.

now appear clear. The subject quite naturally falls into two divisions: the question of European arbitration and intervention in the Cuban difficulty, and the problem of the disposition of the Philippine and the Caroline Islands.

Emperor William II, upon learning that General Woodford, American Ambassador in Madrid, had been instructed to protest against Spanish procedure in Cuba and urge Spain to make peace, suggested to the Foreign Office (September 28, 1897) that intervention by the European states in favor of Spain, whose monarchial system would be endangered if she should lose Cuba, might be advisable.<sup>4</sup> The German Under-secretary of Foreign Affairs recommended great caution. He feared that France and England might use Germany's support of Spain in order to estrange Germany with the United States and secure commercial advantages at Germany's expense. He considered the coöperation of Russia and France as an absolute prerequisite. Eulenburg, Counsellor in the Imperial Staff, thought that France might hesitate to join a movement designed merely to support a monarchy and that Austria, as the most natural advocate to Spain, should be induced to take the lead.<sup>5</sup> The Emperor agreed to this plan, remarking that the most expedient method would have to be found; that the end itself, not the means of attaining it, was the important matter. Regarding Eulenburg's apprehensions that the French Republic would not be willing to serve dynastic purposes, the Kaiser remarked that the protection of the colonial possessions of the European powers against Transatlantic ambitions might be made the basis of agreement. In like manner he approved of Bernard von Bülow's recommendation (made on September 30) that Austria be urged to take the initiative, with the understanding that England and France should coöperate in the step under consideration.<sup>6</sup>

Accordingly, on October 7, 1897, Bülow authorized Lichnowsky, German *chargé* in Vienna, to approach Austria. Lich-

<sup>4</sup> *Ibid.*, XV, 3, editorial note.

<sup>5</sup> The Queen Regent of Spain was an Austrian Archduchess.

<sup>6</sup> *Ibid.*, XV, 3-6. Bülow was Acting Secretary of Foreign Affairs.

nowsky was instructed to inform the Austrian Government—in case the matter of European intervention in the Cuban affair should be brought up again—that while Germany could not take a definite stand in advance of the other European Powers, she would be disposed seriously to consider any proposals received from Paris or London—perhaps upon Austria's suggestion.<sup>7</sup>

After the middle of October the whole affair entered the quiescent stage only to become more critical than ever in the following February. As the crisis between Spain and the United States approached in the spring of 1898, European diplomatic circles buzzed. The Spanish Government inquired whether Germany, in order to protect the principle of monarchy, would be inclined to head a European demonstration. Bülow replied that Germany was eager to safeguard that principle, but that France must be persuaded to take the lead in intervention before Germany would be willing to support the move.<sup>8</sup> In like manner it soon became evident that neither Austria nor France was willing to take the first step. The Austrian Foreign Secretary thought that something should be done, but declared that the Austrian Government was not strong enough to undertake the initiative. The French Ambassador at Vienna revealed anxiety in regard to French colonial possessions in America and admitted that a united European demonstration was necessary. He felt, however, that Russia could not be counted upon and "showed an unusual degree of aversion to the Island Kingdom which placed obstacles in the way of necessary French colonial expansion in every quarter of the globe."<sup>9</sup>

Thus matters stood in February. On March 14 the Ambassador of Austria-Hungary in Berlin suggested once more that Germany should take the lead against the United States. Again Bülow declined and instructed the German Ambassadors in Vienna and Madrid to express His Majesty's regret that he

<sup>7</sup> *Ibid.*, XV, 6-7.

<sup>8</sup> Bülow to Radowitz, February 15, 1898, *ibid.*, XV, 7-8.

<sup>9</sup> Eulenburg to Hohenlohe, February 23, 1898, *ibid.*, XV, 8-9.

found himself unable to lend any assistance so long as Russia and France failed to give binding promises of active support.<sup>10</sup> In his letter to the German Ambassador in Vienna Bülow made the important statement, however, that the Emperor, convinced that a separate action of the Triple Alliance was quite out of the question in view of the stand taken by England, France, and Russia, now considered Papal arbitration the only means left to save Spain.

It was, in fact, at the instigation of William II that the Pope instructed his Nuncio in Madrid to ascertain whether mediation by the Papal See would be agreeable to Spain. Having saved the Spanish monarch from taking the initiative in asking the Pope for mediation—a step which the Spanish people might have interpreted as a symptom of royal weakness—the German Emperor appears, however, to have considered his mission finished. Thereafter he seems to have preferred to leave the matter to the parties concerned.<sup>11</sup> After he learned (April 1) that the Spanish government, contrary to expectations based upon Radowitz's<sup>12</sup> report from Madrid (March 22, 1898), had told the Nuncio that Spain could not consider arbitration on the basis of surrendering Cuba, the Emperor wrote at the foot of the telegram: "Then there is no help for her! She will lose it anyhow!"<sup>13</sup>

Meantime, the Madrid representatives of Germany, Austria, France, Russia, Italy, and England were asked (March 26) by the Spanish Minister of State to submit the following confidential request to the consideration of their governments: "The Powers should advise both Spain and the United States to settle the difficulties to which the questions embodied in Mr. Woodford's note of March 23 might give rise, by accepting an arbiter, in such way that peace should not be disturbed." Bülow instructed Radowitz that the Emperor still felt that Germany should not act before France and Russia had committed them-

<sup>10</sup> Bülow to Eulenburg, March 15, 1898, *ibid.*, XV, 10-12; to Radowitz, March 17, 1898, XV, 12-14.

<sup>11</sup> *Ibid.*, XV, 14, 18.

<sup>12</sup> German Ambassador at Madrid.

<sup>13</sup> *Ibid.*, XV, 19.

selves and directed the Ambassador to report on the replies given by the other powers.<sup>14</sup>

Soon afterwards (April 4, 1898) Bülow authorized Holleben, German Ambassador at Washington, to participate in the diplomatic action suggested by Spain provided that all five of the Ministers of the Great Powers should agree to act together. But this concession appears to have been made mainly to oblige Austria. "Since the Vienna Cabinet wishes it," was the remark of Bülow.<sup>15</sup> Germany must not give offense either to the Powers or to the United States, he cautioned Holleben on April 7.<sup>16</sup> On this latter date the representatives of the Great Powers handed President McKinley a joint note, dated April 6, urging that peace be preserved.

Thus the German Government had participated in this collective action with considerable caution; and, it should be added, without expecting any satisfactory results. On April 5 Bülow had remarked to the Spanish Ambassador in Berlin that the Powers were too occupied in the Far East to permit of effective measures in Spain's behalf. He personally believed that it would be better for Spain to give the Pope "carte blanche" to prevent war.<sup>17</sup>

The sequel showed, of course, that Bülow's misgivings regarding the influence of the Powers were well founded. Spain was eager for peace and actually directed a suspension of hostilities in Cuba, but on April 11 McKinley sent his message to Congress without any mention of this concession. A few days later the legislative branch of the government authorized McKinley to use force in Cuba. War now appeared almost inevitable.

On April 14 Sir Julian Pauncefote, British Ambassador in Washington, surprised Holleben by proposing that the diplo-

<sup>14</sup> Telegram of March 28, *ibid.*, XV, 16-17. Woodford's note contained the threat that unless a satisfactory settlement regarding both the  *Maine* and the whole Cuban affair could be reached in a few days, the President would lay the matter before Congress.

<sup>15</sup> *Ibid.*, XV, 19-20.

<sup>16</sup> *Ibid.*, XV, 20-21.

<sup>17</sup> *Ibid.*, XV, 20.

matic representatives of the Great Powers hand the United States another collective note. Pauncefote called the diplomats together and it was decided that this note should express the view that the intervention of the United States in Cuba would not be justifiable under the circumstances. In telegraphing this proposal to the Kaiser, Bülow remarked: "I personally regard such a demonstration somewhat coldly, though I, too, think it desirable that this frivolous attack be branded before the world. A step undertaken here would only decrease the prestige of the Powers, if their representatives have nothing at their command properly to repel an unfriendly answer." At this time—or later, as has been alleged<sup>18</sup>—the Emperor commented on Bülow's reaction as follows: "I think it [the demonstration suggested] entirely impracticable, useless and therefore prejudicial. We make ourselves as ridiculous in the eyes of the Americans as we did in those of the Greeks and the Turks, who did not care a straw about our collective notes. . . . I am against this step!"<sup>19</sup>

Nevertheless, Bülow immediately sounded out Russia on the proposed move. The Russian Minister of Foreign Affairs suspected that England had suggested the plan merely to bring discord between monarchial Europe and the United States and expressed the view that non-intervention would be the best policy.<sup>20</sup> Thereupon Bülow instructed the German Ambassador at Petersburg to inform the Russian Government that His German Majesty was also of the opinion that "platonic steps with lame protests" would be of no advantage to Spain and

<sup>18</sup> The proposal of April 14 became a matter of controversy in 1902 on the occasion of Prince Henry's visit to the United States. The editors of *Die Grosse Politik* (XV, 24 note) assert that the Kaiser's marginal notes were made known to the German Ambassadors in London and Petersburg on the very day that the telegram was received, but unfortunately they do not publish the documents which are alleged to prove this. On the question of responsibility for initiating the second move for intervention, see *Die Grosse Politik*, XV, 24 note, 29-30; *Revue des Deux Mondes*, CLXX, 476-478; *Journal de St. Petersburg*, Feb. 23, 1902; G. W. Smalley, *Anglo-American Memories* (1912), II, 178 ff.

<sup>19</sup> April 15, 1898, *ibid.*, XV, 22-24.

<sup>20</sup> See Bülow to William II, April 16, 1898, *ibid.*, XV, 25-27.

serve only to impair the prestige of the powers.<sup>21</sup> Soon afterwards the matter was dropped.

The negative attitude of Germany and Russia appears to have been decisive, although the position of England may have had considerable weight.<sup>21a</sup> On April 16 Bülow remarked in a telegram to the Emperor: "This collective action had been suggested by England, which made a Russian rejection appear probable from the beginning. I thought therefore that it would be in accordance with your Majesty's highest intentions if I investigated only in Petersburg regarding the reception of the English proposal, so as to avoid taking a rejection exclusively on our own shoulders. The answer of Count Muraviev [Russian Minister of Foreign Affairs] turned out as had been foreseen by Your Majesty."<sup>22</sup> Yet Holleben, in a subsequent letter to Prince Hohenlohe, Imperial Chancellor, appears to have agreed with his French colleague when the latter remarked that Pauncefote's plan was not carried out because of the "lukewarm attitude" of England.<sup>23</sup>

At any rate England's position must have been puzzling to some of the other Powers. Holleben wrote the German Foreign Office that the hesitation of the British Government appeared "quite like a riddle," and the Kaiser commented with an "uns auch!" Holleben's remarks on this phase of the affair deserve to be quoted at some length. In the letter of April 22, to which reference has already been made, he said: "In the beginning of the Cuban conflict England showed toward the United States, probably with special regard to the Far East, a disposition to oblige, which, it is true, was platonic—at least I still think so—but then she joined the collective action of the powers on the seventh instant without difficulty. Soon afterward Sir Julian Pauncefote was even the originator of the further steps which were planned here towards a coöperation

<sup>21</sup> Bülow to Radolin, April 16, 1898, *ibid.*, XV, 27.

<sup>21a</sup> The French government was also hesitant, but its attitude was thought to depend largely on the position of Russia. (See Bülow to Radowitz, March 17 and 31, 1898, *Die Grosse Politik*, XV, 12-14, 18-19).

<sup>22</sup> *Loc. cit.*

<sup>23</sup> April 22, 1898, XV, 28.

of the powers. . . . But nothing further has come of it, as my French colleague tells me, because of England's lukewarm attitude, which, by the way, I do not regret very much, as Your Majesty knows. Now more recently come the fraternal articles of the two presses, especially of the one here, and the banquet speeches of the American Ambassador in London; also there appears here, it is believed on a secret mission, the Secretary of the American Embassy in London, White; but all this is ridiculed by Sir Julian Pauncefote and as far as manifestations of friendship on the part of America are concerned, he flatly declares them to be hypocritical. From the mouth of Sir Julian that is a good deal regarding America."

This description of Britain's procedure aroused the Kaiser's ire. He suggested that Pauncefote was possibly lying. He then commented in regard to his island rival: "England wants to play the very same game that she played years ago when she admittedly provoked the Graeco-Turkish War. She stirs all the Powers to action, pretends to participate until the Powers have compromised themselves with the belligerents; then she draws back, pharasaically beats her breast, secretly joins one of the combatants—of course always the stronger—and incites it against the Continental Powers. Meantime, at their expense, she solicits from it commercial advantages for herself. England positively does not wish to belong to Europe, it won't throw in its lot with the Continental Powers [this clause in English], but desires to constitute an independent entity between this Continent and America or Asia."<sup>24</sup>

The truth regarding England's position seems to be that Pauncefote either exceeded his instructions in convening the diplomats and planning further joint action or that the English Government underwent a change in sentiment about the time war broke out between Spain and the United States. The facts in the case can not be determined until England and France throw open their archives.

<sup>24</sup> *Ibid.*, XV, 28-29.

The documents published by Germany appear, however, to make clear the attitude of that government. The Kaiser, though he was the originator of the thought of intervention, can hardly be said to have pursued an aggressive policy with reference to the matter. The German Government urged mediation upon the European powers and the Pope, but the German Foreign Office pointed out from the beginning that Germany would not lead the movement for intervention. The German Government even felt that Spain should give up Cuba in order to avoid war. Throughout the whole affair the Kaiser was primarily interested in the preservation of the "monarchical principle." Possibly the Kaiser would have joined the Powers in the employment of more forceful means to prevent an outbreak of war and the defeat of Spain, but to assert that he undoubtedly would have done so is to draw an inference that is not supported by the documents.<sup>25</sup>

As already intimated, the suspicion that the German government was attempting to oppose the interests of the United States deepened during the months of uncertainty when the solution of the Philippine problem was impending. At one time it was reported that Germany contemplated lending assistance to Spain; at another she was said to be preparing to support the natives; and more than once she was suspected of seeking an opportunity to take over the Philippines and the Sulu archipelago.<sup>26</sup>

These apprehensions were nourished both by accident and by design. The mere appearance of a German Vice-Admiral before Manila with larger naval forces than had been sent in former times of unrest led some of the natives to assume that this official had come to aid the Spaniards. This opinion was so generally held that simple men in such a remote place as Mariveles, for instance, even asked the German officers when they were going to proceed against the Yankees. The appar-

<sup>25</sup> See Lester Burrell Shippee, "Germany and the Spanish-American War," in *Amer. Hist. Review*, XXX (1925), 763.

<sup>26</sup> See *New York Times*, July 13 ff.; *New York World*, July 14 ff.; *Literary Digest*, XVII (July 16 and 23), 86, 91, *passim*.

ently erroneous report of an unmusical Spanish sailor that a German Man-of-War, while passing an American vessel, had played the Spanish national anthem—it had probably been the American national hymn—provided further foundation for the rumor that Germany was favoring Spain; and the Spaniards, catching in their emergency at every straw, seem to have given credence to the report.<sup>27</sup>

It does not seem strange, in view of the current rumors and tense emotions of war-time, that Commodore Dewey should have observed German naval proceedings with considerable suspicion—especially when so many sinister reports were brought to Dewey, for the most part, it would seem, from English sources, and when tactless and hostile utterances from German newspapers and alarming reports of the British journals kept poisoning the atmosphere.<sup>28</sup> Yet, it should be noted that, even so, the press exaggerated the friction of these two officials, for Dewey appears to have written Diederichs on April 16, 1899, as follows: "I rejoice that our differences have been of newspaper manufacture."<sup>29</sup>

The documents published in *Die Grosse Politik* throw significant light on the attitude not only of Germany but of France and Russia as well. From them it is possible to trace the main outlines of the diplomacy of this second phase of the Spanish-American conflict.

Attention was drawn to the Far East by Dewey's defeat of the Spanish squadron in Manila Bay. On May 11 Prince

<sup>27</sup> Diederichs, "Darstellung der Vorgänge vor Manila von Mai bis August, 1898," in *Marine Rundschau*, I (1914), 253 ff. An English translation was published in the Royal United Service Institution *Journal*, LIX (1914), 421-446. Diederichs' "Statement" was intended as an answer to Dewey's *Autobiography* (New York, Scribners, 1913), pp. 252-267.

<sup>28</sup> Both Secretary of State Day and Andrew D. White attempt to counteract these rumors. (See *Washington Evening Star*, June 15, and *New York Staatszeitung*, June 16, 1898; also White, *Autobiography*, (19 ), II, 157 ff., and *Die Grosse Politik*, XV, 54 note.)

<sup>29</sup> Diederichs, *op. cit.*, (Eng. trans.), pp. 445-446. Jeannette Keim (*Forty Years of German-American Political Relations* (1919), p. 224 note) correctly remarks that the controversy was "of short duration" and "would have excited little comment in the United States had it not been interpreted by the American press and public to be indicative not only of anti-American sympathies on the part of Germany but also of that country's intention to annex the Philippines."

Henry of Prussia, then in command of the Asiatic squadron, cabled from Hong-Kong that the natives of the Philippine Islands had decided upon a rebellion, which would probably achieve success, and that they "would gladly place themselves under the protection of a European power, especially Germany." This the Prince had from a reliable German merchant from Manila. Three days later a cable corroborating this view was sent by the German Consul at Manila. He said that Spain's sovereignty over the islands was about to collapse and that the natives, unwilling to exchange the old master merely for another in the form of the United States, were planning to strike out for independence. He pointed out, also, that they showed a predilection for Germany and might offer their throne to a German prince. He then enquired whether this sentiment should be discouraged or allowed to develop.<sup>30</sup>

Bülow immediately communicated with the Kaiser, discussing the Philippine question in all of its bearings. It was a matter of great importance, in which Russia and France as well as the United States and England would be interested, for "the control of the sea in the end may [might] rest on the question of who rules [ruled] the Philippines, directly or indirectly." Even if the Filipinos gave evidence that they were not trying merely to play off one power against another and unanimously took up arms in favor of Germany, this would be of little avail, because the permanent possession of the Philippines would depend upon sea power. Moreover, encouragement of revolution in the island would be contrary to the "principle of legitimacy" which formed the basis of German relations with Russia and Austria-Hungary. Indeed, the establishment of a German protectorate would be likely not only to involve Germany in difficulties with the United States but also to provoke a coalition of European powers against her. The idea of a protectorate should therefore be discarded. Division of the islands among the naval powers would be better. It might meet the approval of the naval powers in spite of press notices

<sup>30</sup> *Die Grosse Politik*, XV, 33-34 notes.

which indicated that the United States was going to claim all of the Philippines and that England would not permit European interference. More acceptable to Bülow, however, would be the neutralization of the archipelago by agreement of the naval powers. He believed that this would make possible a future settlement more favorable to Germany and, for the present, leave each party the silent hope that some day an opportunity to seize the entire group might offer itself. At any rate he felt that this proposal might be the most harmless means of securing information upon the aspirations of the nations interested. He was convinced that a successful move of any sort in the Philippines would depend upon an understanding with the United States and England—especially England, for should Britain and the United States reach an agreement regarding the islands the issue would be settled. He accordingly advised (1) that an attempt be made to ascertain whether Great Britain was eager to obtain her share of the Spanish spoils at once or would be satisfied if nobody got anything, and (2) that Admiral Diederichs be sent to Manila Bay to observe and report developments.<sup>31</sup>

The Emperor's comments written upon the margin of Bülow's letter show that he was in agreement with his secretary. Diederichs was soon dispatched to the Philippines and Hatzfeldt, German Ambassador in London, was directed to sound out the British Government. In instructing Hatzfeldt Bülow emphasized the fact that the Kaiser was opposed to the establishment of a protectorate but was determined to demand an adequate compensation in case the islands should fall wholly or partially into the hands of another power. If such compensation could not be realized at once, German diplomacy would have to direct its efforts towards the neutralization of the islands.<sup>32</sup>

Hatzfeldt did not act immediately upon his instructions. He had already conferred with Lord Salisbury, British Foreign Secretary, and had not found him inclined to discuss the

<sup>31</sup> Bülow to Kaiser Wilhelm II, May 14, 1898, *ibid.*, XV, 33-38.

<sup>32</sup> *Id.* to Hatzfeldt, May 18, *ibid.*, XV, 39.

Philippine question.<sup>33</sup> The matter was therefore dropped for a few weeks.

Diederichs with a detachment of the German navy reached Manila Bay on June 12. His arrival aroused excitement in the United States and was even viewed as somewhat tactless by some of the European journals.<sup>34</sup> But it did not cause great uneasiness in official circles at Washington. The American Ambassador in Berlin was directed not to give assurances as to the Philippines and cautioned not to permit the fate of these islands to be involved with that of Samoa. A little later he was also asked whether he thought it was likely that the large German force at Manila would be withdrawn or reduced. But there was not sufficient concern to follow the matter up.<sup>35</sup>

As already intimated, however, relations between Diederichs and Dewey soon became somewhat strained. Friction was occasioned by the failure of Diederichs to conform to the rules of neutrality as Dewey interpreted them. Near the middle of July matters reached a critical stage. Dewey became convinced that the German Man-of-War "Irene" had interfered to prevent the Filipino chief Aguinaldo from taking Isla Grande in Subig Bay. One of Dewey's officers had also been forced to fire across the bow of the "Cormorant" in order to compel it to stop for communications. On July 10 Diederichs's flag officer came to Dewey with a list of grievances and an explosion occurred. In a fit of anger Dewey said: "Why, I shall stop each vessel whatever may be her colors. And if she does not stop I shall fire at her!" The flag officer inquired of the irate commander whether he knew that such procedure would mean war, whereupon Dewey retorted: "And I tell you, if Germany wants war, all right; we are ready. With the English I have not the slightest difficulty; they always communicate with me."

When Diederichs reported the affair four days later he said that he attributed little importance to it, but he nevertheless remarked: ". . . I do not conceal from myself that in the

<sup>33</sup> *Ibid.*, XV, 39 note.

<sup>34</sup> Holleben to Bulow June 13 and 17, *ibid.*, XV, 41-42.

<sup>35</sup> Instructions of June 13, 18, and 22, MS. Department of State, Germany.

future the relations between the American squadron and ours will be somewhat strained and the greatest care must be taken to avoid incidents. The Americans refuse to trust our loyalty, especially since my arrival at Manila, and their suspicion is being strengthened by the circulation of rumors to the effect that Manila is being supplied with provisions by His Majesty's ships and that there will be more energetic meddling in the war on our part in the near future." On August 2, after fuller reflection, he wrote: "I must admit that so far as I am able to judge my coming here has not been favorable to the German cause. No one fails to let us know that he has seen through our alleged scheme. The Englishman was egging on in the background and so the Yankee was seized with an irritability which deprived him of calm reflection and made every movement of German ships appear suspicious. On both sides there was indignation because of the interruption of their former quiet life at Manila; perhaps also they were a little disturbed lest the partiality for Americans manifested by the English ships might be too closely observed. . . . I fear that we shall not be spared the open suspicion of having come here bent upon larger plans and of having been forced to retreat because the watchfulness of our opponents rendered the execution of our plans too difficult."<sup>36</sup>

Meantime, Germany returned for a brief interval to the plan of neutralizing the Philippines. Spain had suggested to Germany, France, and Russia that the Powers assume control over Manila, and the Spanish Governor-General had gone so far as to urge Diederichs to receive the city *in depositu*. The Admiral refused to act without instructions; Bülow sounded out Paris and St. Petersburg and found that the proposal was not warmly received.<sup>37</sup> Germany then decided to urge a division of the spoils.

By this time, however, German diplomats had become convinced that their aspirations must be realized, if at all, through

<sup>36</sup> *Die Grosse Politik*, XV, 62 note.

<sup>37</sup> Bülow to Wilhelm II, June 21 and Consul Rieloff (Hong-Kong) to the Foreign Secretary, June 23, 1898, *ibid.*, XV, 42-44.

an understanding with the United States and on the basis of "live and let live." On July 1 a telegram was sent to Holleben, informing him of the Emperor's purpose "to leave unused no opportunity which may [might] arise from the Spanish-American War to obtain naval stations in East Asia." The Ambassador was instructed to observe closely the drift of public opinion, to ascertain the strength of annexationist sentiment, and find out what price Britain was expected to ask for her support of the United States in the Pacific. He was further directed to broach the idea of a *rapprochement* between Berlin and Washington, pointing out that Germany and perhaps Germany alone would be willing to back the territorial demands of the United States in the Far East. According to accounts in their respective newspapers, both France and Russia were opposed to the establishment of another great power in that region, and England was not accustomed to allow herself to get into trouble for the sake of a friend.<sup>38</sup>

A few days later Berlin evinced even greater anxiety for an understanding with the United States. News got out that England was negotiating for some of the colonial possessions of Portugal; and, moreover, the English press appeared to be trying to frighten the United States into an alliance with Great Britain, using Germany as the bugbear.<sup>39</sup> Germany was quite naturally alarmed, but believing that an Anglo-American alliance—perhaps supplemented by one with Japan—would be ideal for England, Richthofen, German Acting Secretary of Foreign Affairs, felt that it would be futile to try to entice Britain from this course. He held therefore that all efforts to prevent such an alliance should be directed towards the United States. Accordingly, he suggested that Hatzfeldt might find it convenient to confer with the American embassy in London on the common interests of their countries. He also went on to point out that an understanding with Germany would be worth more to the United States than an Anglo-American alliance. Emphasizing the fact that Germany's territorial demands

<sup>38</sup> *Ibid.*, XV, 44-45.

<sup>39</sup> *Ibid.*, XIV, Part I, ch. 92.

would always be more modest than those of Britain, Richthofen declared that, in view of Germany's position in Europe and her limited financial resources, acquisitions on a large scale, as for instance the taking over of the Philippine group, would be quite out of the question. All that Germany wanted was naval and coaling stations in the Far East, such as were indispensable to any maritime power.<sup>40</sup>

Hatzfeldt replied that the American representative in London was openly sympathetic with England and very taciturn. He feared that nothing would be gained from an interview with him, but that, on the contrary, the American Ambassador would immediately communicate any German proposals to the British Government. He accordingly suggested that negotiations for a German-American understanding be opened with the Ambassador of the United States at Berlin.<sup>41</sup>

The suggestion was immediately followed. On July 9 Richthofen had a long interview with Andrew D. White, then American Ambassador to Germany. Referring to a recent address of White's in which he had remarked that the attitude of Germany in the Spanish-American war had been entirely correct and neutral, Richthofen expressed a desire to make the American diplomat an intermediary for an exchange of views with Washington on a possible agreement between the two countries regarding colonial issues. White expressed himself as willing to do everything he could to advance friendly relations, but he said that he was uninstructed as to the plans of his Government. He frankly admitted, indeed, that he believed it had no plans. Thereupon, Richthofen, somewhat embarrassed, made in substance the following statement, which he desired White to consider as unofficial but as coming from one in close personal touch with the Kaiser:

<sup>40</sup> Instructions of July 6, *ibid.*, XV, 47-52.

<sup>41</sup> Despatch of July 8, 1898, *ibid.*, XV, 52-53. Hatzfeldt's conviction of Hay's British leanings was perhaps well-founded. Hay's attitude toward Germany may be observed in a letter he wrote White regarding the Anglo-German agreement respecting China, in which he said: "At least we are spared the infamy of an alliance with Germany. I would rather, I think, be the dupe of China, than the chum of the Kaiser." (Letter of November 21, 1900, quoted in Keim, *op. cit.*, p. 239, note 43).

If Germany, along with the other powers, had observed a strictly correct attitude toward the belligerents in the war then being waged, she could justly lay claim to distinction in that she had been the only power which had actually been tempted to take an opposite course. It had been to the German Admiral alone that the Spanish Governor-General had offered Manila *in depositu*. This German official, in conformity with instructions from his superiors, had rejected the offer, but Mr. White must recognize that the maintenance of neutrality had involved particular difficulties. In the first place, the responsibility for the decision with reference to European intervention in the war had been thrust upon the German Emperor. The powers which might have been inclined to intervene had all awaited a signal from Berlin, and Spain had looked in the same direction for aid. If Germany had found ground for interference, Austria and France would have fallen in line immediately and Russia would have followed the lead of France while Italy followed that of Germany. Thus all the continental powers might have decided upon intervention. But His Majesty had seen fit to maintain a negative attitude toward every suggestion of this nature.<sup>42</sup> In the second place, the sentiment of the German people might have prompted the Kaiser to take an unneutral course. While their attitude could not be described as Hispanofil, it must be admitted that it was not friendly toward America. This lack of friendliness could not be explained entirely by monarchist sympathy for the Queen Regent, on the one hand, and the feeling that the declaration of war had not been entirely justified, on the other; it had already existed to a certain extent even before the beginning of the war, and it had been caused less by commercial rivalry than by grievances in the colonial sphere. While the negotiation of the treaty providing for the annexation of the Hawaiian Islands

<sup>42</sup> In his secret letter to the Kaiser of May 14, Bülow had spoken of discussions in the press of Russia and France relative to possible combinations to prevent the United States from acquiring the Philippines, either permanently or in order to transfer them to England. Yet, with respect to the earlier phase of the war, it was the German government that had proposed mediation. It will thus be noted that Richthofen is somewhat misrepresenting Germany's attitude.

was in itself not a source of discontent to the German people, they were undeniably disappointed that the United States did not thereupon cede her Samoan claims to Germany. The latter was far from grudging America the fruits of her victory in the present war or her position in the world. On the contrary, Germany was willing to support her in the peace negotiations, provided the United States would not oppose Germany's modest aspirations. Richthofen then declared his conviction that the history of the world during the next century would in large measure be determined by a proper understanding between the United States and Germany at the close of the Spanish-American War. If the United States should take a hostile stand towards Germany and form an alliance with Britain, this would lead to a coalition of France, Russia, and Germany and a feverish enlargement of fleets. Thus the United States would be forced to maintain its armaments after the close of the war. On the other hand, a German-American agreement would be more likely to promote peace and disarmament, for there would be little danger of a war so long as Germany could find it possible through a friendly understanding with the United States to avoid joining Britain on the one side or Russia and France on the other. Only by a *rapprochement* with Germany could the United States, without expenditures for preparedness and without bringing its own peculiar institutions into jeopardy, fully and completely realize its colonial aspirations.

In compliance with a request of White, Richthofen named the places which he "personally imagined" that Germany would like to obtain; namely, full possession of the Samoan and Caroline Islands—chiefly from considerations of national sensitiveness—and maritime fulcra in the Philippines and perhaps in the Sulus.

The entire interview was reported to have been very cordial, White having agreed with Richthofen in every respect. White declared that he believed German aspirations to be legitimate and perceived in German territorial expansion a means of

bringing the blessings of civilization to mankind. He recognized that the acquisition of coaling stations in the Pacific was essential to Germany and he would support her wishes in Washington.<sup>43</sup>

Despatches from Holleben brought no definite information, for he had been unable to ascertain the colonial aims of the United States. He reported that the parties had no fixed programme, but that the administration was more disposed than the politicians to comply with German desires. He thought that the seizure of any Spanish possession by Germany would, at the moment he was writing, be considered an unfriendly act. He recommended that negotiations relating to commercial differences should be taken up at once in a spirit of cordiality in order that all grounds for hostility might be removed.<sup>44</sup>

At length, on July 13, Hatzfeldt decided to discuss with John Hay the colonial issue and future relations between the United States and Germany. He found Hay's attitude far less satisfactory than had been that of White. Differing from the latter, Hay maintained that the United States had great interests in Samoa and ought not to give them up. He also hinted that, contrary to former intentions, his government might see fit to retain the Philippines. Hatzfeldt was even doubtful whether Hay would recommend to Washington a careful consideration of German interests in the Pacific.<sup>45</sup>

About July 25 White, apparently moved by the tone of American press items, informed Richthofen, in a personal conference, that his government entertained friendly feelings towards Germany, but owing to the fact that the United States held nothing in its hands as yet, a discussion of the colonial question appeared premature. As a personal suggestion White added that the situation might be improved if the German vessels at Manila Bay would move back and forth in the neigh-

<sup>43</sup> *Ibid.*, XV, 53-58. For Samoan negotiations, see *ibid.*, XIV, ch. 96. White was not an imperialist, but he desired the acquisition of Hawaii and a few coaling stations in the Pacific.

<sup>44</sup> *Ibid.*, pp. 59-60, 65-66. Despatches undated but arriving in Berlin on July 13 and 28, 1898.

<sup>45</sup> *Ibid.*, XV, 60-61.

borhood instead of remaining stationary. Richthofen merely replied that these vessels had been sent solely to protect German subjects and commercial interests and that the German admiral at Manila ought to know how many vessels he needed. As a proof of Diederichs's reasonable disposition Richthofen mentioned the recent recall of the "Irene" from service in the Philippines.<sup>46</sup>

When White and Richthofen met again, the latter, with Bülow's approval, expressed regret that the American Ambassador had made the remark about the German vessels at Manila. He said that if it should become known, it would offend both the German people and the Emperor, especially since the Kaiser was just as little disposed as the United States to suffer encroachments upon his rights. White begged Richthofen not to report this purely personal remark to the Emperor, but to consider it as unspoken. He declared that his only purpose had been to deprive those who had been carrying on propaganda against Germany, particularly Russia and England, of their chief argument. For the same reason he had dictated a denial of some of their insinuations to the correspondent of the New York *Staatszeitung*. White also promised to suggest to Washington an exchange of views on the territorial question, but negotiations between the two countries seem not to have taken place until after the opening of the Paris Peace Conference (October, 1898).<sup>47</sup>

Meanwhile German diplomacy busied itself in London and Madrid. The opening days of August found Hatzfeldt still of the opinion that the United States did not desire to retain any portion of the Philippines save Manila, which was desired for a coaling station. He queried whether Spain might not be induced likewise to yield such a station to Germany. He felt that the consent of England and of the United States to this might not be unattainable and expressed a willingness to approach Lord Salisbury very cautiously on the matter.<sup>48</sup>

<sup>46</sup> *Ibid.*, XV, 62-64.

<sup>47</sup> *Ibid.*, XV, 66-68.

<sup>48</sup> Despatch of August 3, *ibid.*, XV, 68-69.

But Richthofen held a different view regarding American ambitions. By August 5 he had become thoroughly aware of the waxing strength of the annexationist party in the United States. He thought, however, that England would be threatened more than Germany by the expansion of the United States into the Pacific and that Japan might not be kindly disposed toward American intrusion. He therefore suggested to Hatzfeldt that the neutralization project should be revived. This would necessitate a coaling station for each of the protecting powers and it might also be the means of saving the natives from the bloody revenge which the Spaniards would exact in case the United States perchance decided to withdraw.<sup>49</sup>

The sequel showed that Richthofen had correctly interpreted the growing ambition of the United States, but he had not penetrated the mind of British statesmen. Toward the last of July Salisbury had given Hay to understand that England preferred to have the United States retain the Philippines. When the German Ambassador approached Salisbury on August 9, he therefore found the Foreign Secretary's attitude so negative with reference to the neutralization scheme that he deemed it unwise to reveal that he was acting under the express authority of Berlin.<sup>50</sup>

But new prospects for Germany were opened up through Radowitz's report from Madrid (August 8) that Spain had about decided to dispose of all her distant colonies. Richthofen instructed him forthwith to make inquiries regarding the Philippines, the Sulus, the Carolines, and other South Sea Islands, as well as with respect to Fernando Po and the Canaries.<sup>51</sup> When Richthofen learned soon afterwards, however, that the Spanish-American Peace Protocol (August 12) had placed the fate of the Philippine group in the hands of the peace commission, his interest in these islands appeared to have diminished. The naval detachment at Manila Bay was

<sup>49</sup> *Ibid.*, XV, 69-71.

<sup>50</sup> Hay to the Department of State, July 28, 1898, MS. Department of State, Germany; *Die Grosse Politik*, XV, 71-72.

<sup>51</sup> *Die Grosse Politik*, XV, 72-74.

soon reduced and Diederichs himself was ordered to Batavia to represent Germany at the coronation of the Queen of the Netherlands. Germany still entertained some hope that the United States would not oppose her acquisition of a coaling station or two somewhere in the archipelago, but henceforth German diplomatic activity was directed principally towards the Ladrones (or Mariannes) and the Carolines.<sup>52</sup>

On August 13, 1898, Radowitz was instructed to make inquiries looking toward the purchase of Kusaie, Ponape, and Yap. Although the Spanish government deemed it unwise to make a definite disposition of these possessions while peace negotiations were in progress,<sup>53</sup> persistent negotiations on the part of Germany led nevertheless to the following provisional agreement on September 10, 1898:

"The governments of Germany and Spain have agreed that the Islands of Kusaie, Ponape, and Yap, of the Caroline Archipelago, shall be ceded to Germany for an indemnity, the amount of which shall be fixed later. However, for the final treaty concerning the cession of said islands it will be necessary to await the decision of the conference of Paris regarding the sovereignty of Spain over the Philippine archipelago.

"Until this arrangement can be submitted to the constitutional sanction prescribed by the laws of the two countries the governments concerned pledge themselves to maintain the strictest secrecy."

The conclusion of the treaty was postponed in order that its terms might not interfere with the negotiations of the Spanish peace delegates at Paris. The stipulation of secrecy resulted from the desire not to irritate the United States as well as from the fear that a publication of the terms of the pact might rouse the ambitions of the other naval powers, especially England, and thus endanger the remainder of Spain's colonies. In addition to this agreement to sell the three Carolines, the Spanish Minister of State expressed a willingness to grant Ger-

<sup>52</sup> *Ibid.*, XV, 74 note.

<sup>53</sup> *Ibid.*, XV, 74-75.

many favorable consideration in any future disposal of Spanish island possessions.<sup>54</sup>

During the session of the Spanish American Peace Conference which sat in Paris from October 1 to December 10, the Spanish government made at least two appeals for German backing against the United States. Late in October, the Spanish Ambassador in Paris, León y Castillo, approached his German colleague, Count Münster, and inquired whether the Kaiser would support an intervention of the powers in favor of Spain. Münster replied that he had no instructions regarding the matter but expressed his personal opinion that pressure could be exerted neither in Paris nor in Washington. Any such move would wound the exaggerated pride of the Yankees and hence do more harm than good. Replying to Münster's report of this interview with Castillo, Richthofen informed Münster that the Spanish Ambassador in Berlin had also broached this subject and had been told that Germany could perhaps serve Spanish interests best by maintaining an attitude of reserve and avoiding all incentives for American suspicion. He directed Münster to make a similar statement to Castillo, but to do it in such a way as to lead Spain to believe that the Kaiser was greatly interested in seeing her emerge from the conference with as many colonial possessions as possible, for His Majesty was anxious that Spain should cherish a sentiment of gratitude towards Germany. Again, on November 5, Spain raised a cry of indignation because the United States demanded the Philippines and the Sulu Islands and offered in return only an indemnity of two hundred million *pesetas* or less. The Spanish Minister of State urged an intervention of the powers under the leadership of Germany and Russia, but the German Emperor, who had remarked concerning the proposal of late October that intervention was out of the question,<sup>55</sup> now appeared to consider such a step more absurd than ever.<sup>56</sup>

<sup>54</sup> *Ibid.*, XV, 75-77.

<sup>55</sup> "Bestimmt nicht!"

<sup>56</sup> "!! Das fehlte noch!" (See *ibid.*, XV, 78-81.)

By November 15, it became evident that American and German interests were likely to clash in other areas besides the Philippines. At that time Münster learned from the Peace Commissioners that the United States desired a cable station on the Carolines and had therefore originally intended to demand all of those islands from Spain, but out of consideration for Germany had finally decided to demand only one of them. Upon receipt of this news von Richthofen instructed Münster to inform the American commissioners frankly that if the Carolines should cease to be Spanish, Germany expected that they should be transferred to her. She felt that she was entitled to the group both on account of old claims and because of large German investments. Münster was also directed to allude to the assurance of the American Ambassador at Berlin in 1885 that the United States claimed none of the Carolines and would consider the extension of her power into the islands of the Pacific as contrary to her long established policy. He was authorized to say, however, that the German government would be willing to allow the United States to establish a cable station in the Carolines in case the Ladrone should prove inappropriate.<sup>57</sup>

Münster at once discussed the matter with Whitelaw Reid, an influential member of the American peace delegation. Reid assured him that German claims to the Carolines would be respected. He said that the United States desired only one island for a cable station and meant to negotiate with Spain for the one best adapted to this purpose, probably Kusaie.<sup>58</sup>

The report of this interview did not allay German alarm. Kusaie was deemed by Germany to be the most important of the entire group, both on account of its excellent harbors and because of its situation amidst the Carolines and the German protectorates of the Marshall Islands and New Guinea. Münster was therefore advised to point out these and other circumstances and to persuade Reid to use his influence in

<sup>57</sup> Münster to the Foreign Secretary, November 16, and Richthofen to Münster, November 21, 1898, *ibid.*, XV, 81-83.

<sup>58</sup> See Richthofen to Bülow, November 22, 1898, *ibid.*, XV, 81-83.

Washington to bring about a total renunciation of the Carolines. In return, Germany was ready to make far-reaching concessions to the Boston Missionary station at Kusaie, concern for which she supposed to be the only motive for America's desire to acquire the island. Münster was also directed to suggest that Germany felt that her claims to the Sulu Islands, whose Sultan had placed himself under the protectorate of the Prussian King in 1866, should take precedence over those of every other power save Spain. If, however, the United States would fully comply with Germany's wishes with respect to the Carolines, the German government would be equally compliant and content itself with only one of the Sulus (appropriate for a coaling station). Lastly, Münster was instructed to refer to the Anglo-German treaty of 1886 which pronounced all the islands now claimed by Germany to lie within Germany's sphere of influence.<sup>59</sup>

Speck von Sternburg, German *chargé* in Washington, was given similar instructions. He was also directed to emphasize the fact that public opinion in Germany would be deeply offended if the United States should take any of the Caroline Islands. This would be true above all in the case of Kusaie. For the sake of their friendship since the days of Frederick the Great and in view of their future proximity in the Pacific, the United States must be urged to abandon the project. If in addition to such abandonment the United States would grant Germany a Sulu island for a coaling station, the political relations of the two nations would then be placed upon a most intimate footing.<sup>60</sup>

On November 28 and 30 Sternburg had interviews with Secretary of State Hay. The last of these proved more satisfactory than the first. Hay assured the German Ambassador, during the second interview, that the United States valued German friendship very highly and had no intention of running counter to her wishes. The United States could not abandon the idea of securing a cable station in the South

<sup>59</sup> *Ibid., loc. cit.*, November 22, 1898.

<sup>60</sup> Instructions of November 26, 1898, *ibid.*, XV, 85-86.

Pacific, but she would be willing to exchange Kusaie for another island—one of the Marshall group, for instance. The American Government had never intended to take all the Caroline islands. It might even be willing to cede one of the Sulu islands to Germany as a favor, but not in recognition of a legal claim, for the Anglo-German agreement regarding the Sulus was not deemed binding upon the United States. If Germany had any proposals regarding the matter, Hay would be glad to consider them.<sup>61</sup>

Early in December negotiations with Spain concerning the South Sea islands were resumed. The Spanish government inquired if Germany would not prefer to buy all the Carolines and then settle the matter of an American cable station with the United States. Germany refused to assume this responsibility, but expressed a desire to acquire the rest of the group, the Pelew (or Palao) islands included. She likewise evinced a disposition to purchase the Ladrones (except Guam), Fernando Po, and one of the Canaries.<sup>62</sup>

For dynastic reasons the Spanish Government feared to dispose of the Spanish islands adjacent to the African coast when it was just losing the Philippines. It also feared that such a step would arouse English ambitions. It did, however, sign a secret provisional treaty on December 21, which considerably enlarged the cessions provided in the secret agreement of September 10. By this December pact Spain agreed to sell to Germany, for a sum to be fixed in the future, not only all of the Carolines, but also the Pelews and the Ladrones (except Guam). Indisposition to offend the United States may perhaps be seen in this exception of Guam as well as also in the failure to include Kusaie in the December agreement until it was learned that this island did not form a part of the Spanish-American peace regulations signed on December 10.<sup>63</sup> Thenceforth, Germany felt justified in considering the arrange-

<sup>61</sup> Sternburg to the Foreign Secretary, November 30, *ibid.*, XV, 86-87.

<sup>62</sup> *Ibid.*, XV, 87-89.

<sup>63</sup> *Ibid.*, XV, 90-94.

ment with Spain as one which solely and exclusively concerned the contracting parties.

And yet Germany was willing to talk the matter over with the United States. She even went so far as to ask for official assurance of non-interference. This she received from John Hay, but the American Secretary took advantage of the occasion to inform Germany that her former protest in regard to Kusaie had caused displeasure in Washington. Hay then suggested that the United States might take the unowned Wake Island for a cable station, but expressed a doubt as to its adequacy for the purpose. In case it should prove inappropriate, Hay remarked that the United States would like to negotiate with Germany for one of the Marshall Islands (Gaspar Rico), for which she would be glad to grant Germany a coaling station on the Sulus.<sup>64</sup>

Holleben was advised to tell Hay, in response to these suggestions, that Wake Island had always been considered by Germany as a part of the Marshall Islands, but that Germany did not desire to press this point. Germany would quite willingly cede Wake or Gaspar Rico, or even Eniwetok, and hoped the United States would soon decide upon the island of the Sulu group which she preferred to transfer to Germany.<sup>65</sup>

Only one more conference between Hay and von Holleben is dealt with in the published correspondence. It took place early in January, 1899, and was unsatisfactory to Germany. Hay's attitude was far less obliging than formerly. He alluded again to Kusaie, or Strong Island as he called it, remarking that it was the most appropriate place for an American cable station. He likewise intimated that Germany should be content with the lease of a coaling station in the Sulu Archipelago and spoke of the irritation that would arise in the Cabinet and Senate of the United States should these negotiations become known before the ratification of the Spanish-American Peace Treaty.<sup>66</sup>

<sup>64</sup> *Ibid.*, XV, 94-97.

<sup>65</sup> Bülow to Holleben, January 3 and 12, 1899, *ibid.*, XV, 97-98.

<sup>66</sup> Holleben to the Foreign Secretary, undated but received on January 15, 1899.

Bülow thought that Hay was influenced by the storm of indignation against Germany then passing over the United States, chiefly roused by the large meat-packing industries which resented the new German meat-inspection law.<sup>67</sup> In his comment to the Kaiser on this interview Bülow suggested that Germany should not allow herself to be driven to new concessions because of this rekindling spirit of animosity. America had already officially declared through the Paris Peace Commission that she had abandoned her Kusae project in favor of Germany and that arrangements concerning the South Sea Islands now left to Spain were a purely Spanish-German affair.<sup>68</sup> There was no reason why Germany should re-open this question, nor should she condescend to enter upon negotiations for a lease of a coaling station on the Sulu Archipelago in exchange for a lease to America of a coaling station on Kusae when a Sulu island had already been adjudged to her in principle.<sup>69</sup>

Bülow was plainly piqued. Perhaps his attitude may be further explained by the rumor of a revolt of the natives in Ponape, said to have been instigated by American missionaries. Bülow feared that the United States might be persuaded by the Boston missionary station to interfere and thus get a permanent hold upon the island. He accordingly recommended that a German Man-of-War be stationed in the Carolines until their future should be decided. The Emperor first gave his consent, but soon afterwards canceled the order because of the crisis threatened by the Fashoda Incident and of anxiety to avoid a collision with the United States. He said that "it was now the task of diplomacy to avoid difficulties and misunderstandings with the United States so long as that was compatible with the dignity of the Empire."<sup>70</sup>

<sup>67</sup> Keim, *op. cit.*, Ch. IV, discusses these commercial difficulties at some length. See also U. S. *For. Relations* (1896-1898), index.

<sup>68</sup> See Bülow to Holleben, December 28, 1898, *ibid.*, XV, 94-96.

<sup>69</sup> Bülow to Wilhelm II, January 15, 1899, *ibid.*, XV, 99-101.

<sup>70</sup> *Ibid.*, XV, 99-101. This corresponds to Bülow's statement, made in 1914, that friction between the United States and Germany "reached its height in February, 1899, so that it seemed desirable strongly to advocate preparations for a better understanding between the two nations. . . ." (*Imperial Germany*, New York, Dodd, Mead, 1914, p. 50).

The negotiations respecting the South Sea Islands were then brought to a speedy and definite conclusion. On February 4, 1899, Germany agreed to pay Spain twenty-five million *pesetas* for the Caroline, the Pelew, and the Ladrones Islands (except Guam). Spain also bound herself to allow Germany, in addition to these concessions, to have first option in case the Spanish government ever decided to alienate Fernando Po.<sup>71</sup> The treaty was finally ratified in June, 1899—almost three months after the ratification of the agreement which concluded the Spanish-American War.<sup>72</sup> The United States had not acquired a cable station in the Carolines, but neither had Germany obtained a coaling station in the Sulus, which went to the United States along with the Philippines and Guam. Moreover, on January 17, 1899 an American Man-of-War had seized Wake Island,<sup>73</sup> in spite of the German contention that it was in reality a part of the Marshall group.

What generalizations may be made with respect to the attitude of the European Powers and especially of Germany in this second phase of the Spanish-American War? There is no doubt that Germany was more deeply interested than in the matter of Cuban mediation. The Government revealed, however, neither an overweening eagerness to interfere nor a policy of adventurous aggressiveness. Neither the Filipino insurgents nor Spain herself could tempt it to take over the Philippines as a protectorate or in escrow. Nor does Germany appear to have sought to defeat American interests in the Philippines. It was a long time before German diplomats or even American statesmen themselves knew what these interests were, and plans for neutralization or division of the islands were dictated less by the wish to hinder the growth of the United States than by the desire—which seems to have been the primary motive of all of Germany's activities during the second phase of the Spanish-American War—to secure either a fair share of the

<sup>71</sup> *Ibid.*, XV, 102-103.

<sup>72</sup> *Ibid.*, XV, 104-105 and notes; French Ensor Chadwick, *The Relations of the United States and Spain*, (New York: Scribners, 1909) II, 427-473.

<sup>73</sup> John Bassett Moore, *Digest of International Law*, Washington: Government Printing Office, 1906, I, 557.

Spanish spoils during the general distribution or compensation elsewhere. Aggressiveness here related as much to other powers as to the United States. In fact Germany appears to have preferred, after the first of July, to reach her ends—which Andrew D. White more than once pronounced legitimate—in harmony with the United States and on the basis of the principle of "live and let live." The impartial historian will perhaps record the view that Germany was fully as moderate as the United States in the Pacific phase of this war with Spain. Of course it must be admitted that Germany's moderation was due in part to the coldness with which all projects for neutralization and distribution of the spoils were received by England, France, Russia, and Spain and in part to a realization of the need of American friendship. Possibly Germany might have been more aggressive if international combinations and attitudes had been different, but here again one enters the realm of speculation; and, besides, it was an era characterized by lust for colonies on the part of all the Powers. Even Germany's secret colonial treaties with Spain lose something of their sinister aspect—if indeed this is not too strong a term—when it is borne in mind that they were not binding until after the conclusion of peace. And if Admiral Diederichs's conduct at Manila Bay was really offensive, it was out of harmony with the course pursued by his superiors at Berlin.

With reference to the entire war it must be concluded that official Germany, whatever their desires and aspirations, observed a neutrality which, in the words of Andrew D. White, was neither "cold nor grudging" but "all that could be desired."<sup>74</sup> The Kaiser and his diplomatic staff had monarchical interests to protect and colonial ambitions to realize, but they also saw the importance of avoiding the hostility of the United States.

It is proper to note also that the documents from the German archives do not justify a change of view with respect to British attitude. It is a well known fact that the British naval officer at Manila Bay (Captain Chichester) was friendly, that the

<sup>74</sup> See his Leipzig Speech of July 4, 1898, and his *Autobiography*, II, 168.

Royal family was sympathetic, that the press was generally favorable, that Colonial Secretary Joseph Chamberlain actually suggested an Anglo-American alliance in a speech made at Birmingham on May 13, 1898, and that Ambassador Hay believed that the United States "could have [had] the practical assistance of the British Navy," if this had been desired.<sup>75</sup> Except for the contention that Pauncefote took the initiative in an attempt to obtain joint condemnation of America's war upon Spain, the German documents tend to confirm the deep sympathy of Britain. After April 14, 1898, German officials observed this attitude on every hand; and even in regard to the Pauncefote incident itself they convey the impression that the Ambassador acted with the intention of drawing the Continental powers into an awkward position with reference to the United States.

As for Austria-Hungary, France, and Russia, it would seem that they played little more than a minor rôle. Germany agreed to the joint mediatory note of April 6 largely to please Austria<sup>76</sup> and declined to participate in the proposed joint action of April 14 largely because Russia disapproved the step. Similarly, it appears that she abstained from pressing the neutralization project on one occasion mainly because it was coldly received by France<sup>77</sup> and Russia. Yet the documents make it clear that she was usually most concerned with the attitude of England and the United States.

<sup>75</sup> Reuter, *op. cit.*; R. B. Mowat, *The Diplomatic Relations of Great Britain and the United States* (1925), p. 280; and authorities cited by each.

<sup>76</sup> The *London Times* (1925) correspondent at Vienna in 1898 said in 1924 that the Austrian Ambassador to Rome was very hostile towards the United States. "With an acrimony rare in a man of his courteous temperament, he animadverted on the criminal shortsightedness of England in not opposing the designs of the United States. He assured me that the Emperor Francis Joseph, like the German Emperor, believed that the moment had come for the States of Europe jointly to make a stand against American high-handedness, and to bring the United States to reason. Indeed if England persisted in maintaining her foolish attitude, which was really encouraging the United States to flout Europe, she might find that Europe would turn against her. Germany, Austria-Hungary, France, and Russia would be ready to join in a European manifestation, and, if England would play her part, Italy might join too. Baron Pasetti [the Austro-Hungarian Ambassador to Rome] therefore urged me to represent to the British public the extreme expediency of concerted European action lest an opportunity be let slip that might never recur." (Quoted in Mowat, *op. cit.*, p. 281.)

<sup>77</sup> France's transmission of the Spanish request for peace (August, 1898) was purely a formal matter.

### III. THE MONROE DOCTRINE AND THE PANAMA CONGRESS

BY GUION GRIFFIS JOHNSON

It is a matter of significance that two years after President Monroe delivered to Congress his famous message of December 2, 1823, interpretations of its content and meaning were made which differed remarkably from the original conception of it.<sup>1</sup> President Adams, who had held the cabinet office of major importance in the Monroe administration, was himself the first to place a new emphasis upon the Monroe declaration. In a special message to Congress, December 26, 1825, the President suggested the propriety of the United States being represented at the Panamá Congress and indicated that this conference of American states might take some action upon the Monroe message. Interpretations of the Monroe message by Congress and by the press quickly followed. They are important in that this was the first official analysis of the declaration and the first popular examination of it.

After the Panamá question had been under heavy fire in Congress for more than three months, the *National Intelligencer* expressed the thoughts of many when it wrote editorially in its issue of March 28, 1826:

The late President's Message to Congress of December 2, 1823, which we never were able to satisfactorily expound to ourselves, though it seemed to pass uncontradicted at the time, was pregnant with more momentous doctrines, than any one of our State Papers since the Declaration of Independence. . . . It will require more

<sup>1</sup> For works on the Monroe Doctrine see: Shepherd, W. R., "The Monroe Doctrine Reconsidered," *Political Science Quarterly*, XXXIX, 36-66; Moore, John Bassett, *The Principles of American Diplomacy*; Alvarez, Alejandro, *The Monroe Doctrine*; Bingham, H., *The Monroe Doctrine—an Obsolete Shibboleth*; Edgington, T. B., *The Monroe Doctrine*; Hart, A. B., *The Monroe Doctrine—an Interpretation*; Root, E., *Latin America and the United States, Addresses on International Subjects*; Thomas, David Y., *One Hundred Years of the Monroe Doctrine*; and in Spanish: Cárdenas, Raúl de., *La política de los Estados Unidos en el continente americano*; García Mérou, Martín, *Historia de la diplomacia americana: política internacional de los Estados Unidos*; Lobo, Helio, *De Monroe a Rio Branco*; Pereyra, Carlos, *El mito de Monroe*.

than one reading, even with the additional light we now have, to perceive the whole effect of this official declaration. We perfectly well remember to have read over this passage once, twice, and again, in the week following the date of it, and to have put to ourselves the question, whether it was to be regarded as the aspiration of an abstract sentiment, or the deliberate expression of a fixed purpose; whether, in short, we were, or were not, on the case occurring, to suit the action to the word, and maintain by force what we had asserted as incontrovertibly true.

Two years earlier the *National Intelligencer* had remarked that the President's message was creating a sensation wherever it was read.<sup>2</sup> Mr. Daniel P. Cook, representative from Illinois, in the debate on the Panamá Mission spoke of the message as a "declaration hailed throughout this country with perhaps an imprudent enthusiasm."<sup>3</sup> Within a week after the Monroe message had been delivered, at least thirty thousand copies of it had been printed and distributed to every part of the country. An anonymous writer said in the *North American Review* that the pledge of the President concerning the South American countries might be "considered as sacred and permanent, so far as the warm and universal approbation of the country when it was given, may be regarded as clothing it with that character."<sup>4</sup> In discussing that part of the message "where the president suggests the possibility that the 'allied powers' may attempt an extension of their 'political system' to Mexico and the South American states," *Niles' Weekly Register* warns Congress that "the present is not a time to trifile or tamper with our means of defence . . . their efficiency should be kept up and increased."<sup>5</sup> The House of Representatives passed December 24, 1823, a resolution asking the President to lay before the House such information as he might possess relative to the determination of any sovereign or combination of sovereigns to assist Spain in the subjugation of her late colonies.<sup>6</sup>

<sup>2</sup> *National Intelligencer*, Dec. 11, 1823.

<sup>3</sup> *Niles' Weekly Register*, XXX, 87. April 1, 1826.

<sup>4</sup> *North American Review*, 13: 174.

<sup>5</sup> *Niles' Weekly Register*, XXV, 209. Dec. 6, 1823.

<sup>6</sup> *Ibid.*, p. 318, January 17, 1824.

In England the message was received, Lord Brougham declared, "not only with satisfaction but with enthusiasm." In those Hispanic-American countries which seem to have heard of the declaration, it was supported both by the governing powers and by public opinion.<sup>7</sup> Less than two months after the message had been pronounced, January 20, 1824, Henry Clay introduced into the House a joint resolution which followed closely the words of the President:

That the people of these States would not see, without serious inquietude, any forcible interposition by the Allied Powers of Europe in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent governments, and which have been solemnly recognized by the United States.<sup>8</sup>

On January 24, Joel R. Poinsett introduced a similar resolution in the House which, together with that of Clay, was "intended to give a more distinct expression of opinion" and "make the impression general, that we were in accord as it regarded resistance to any attempt on this continent."<sup>9</sup> But on May 26, Mr. Clay announced that he "should continue to abstain from pressing upon the attention of the House his resolution" which "proposed an expression of the feelings of Congress in regard to an attack supposed to be meditated by Allied Europe upon the independence of Spanish America," that events since the President's message tended to show that "if such a purpose was ever seriously entertained, it has been relinquished," and that to pass the resolution "in the absence of any sufficient evidence" of such an abominable purpose might

<sup>7</sup> Alvarez, Alejandro, *The Monroe Doctrine*, New York, 1924, pp. 10-12.

<sup>8</sup> *Annals of Congress*, 1823-24, I, 1104.

<sup>9</sup> Explanation made by J. S. Johnston, senator from Louisiana, in the debate on the Panamá Mission. *Cong. Debates*, 19 Cong. 1 sess., 1825-26, II, part 1, p. 226. Mr. Poinsett's resolution was as follows:

"That this House concur in the sentiments expressed by the President, in relation to this hemisphere, and would view any attempts to oppress or control the free Governments of America, South of us, by the allied Powers of Europe, as dangerous to the peace and happiness of the United States, and that such measures as may be deemed expedient to protect them from the attacks of any Power, other than that of Spain, alone and unassisted, will meet its cordial support."

be thought "unfriendly, if not offensive."<sup>10</sup> Nothing more definite was said or done on this subject in Congress for more than two years. Although President Monroe's message was referred to by Secretary Clay on several occasions in dealing with foreign countries, neither the public nor the legislative department of the government was aware that any such use had been made of it.<sup>11</sup> The most important of these instances was the note which Mr. Clay addressed to Mr. Everett, minister to Spain, April 27, 1825, in regard to the transfer of Cuba and Porto Rico to a European power. In taking the position that the United States would prefer that Cuba and Porto Rico should remain dependent on Spain, the Secretary of State foreshadowed the interpretation of the Monroe Doctrine which President Polk was later to make. The substance of the note which Mr. Clay sent to the United States minister to Spain is as follows:<sup>12</sup>

If the war should continue between Spain and the new republics, and those islands should become the object and the theater of it, their fortunes have such a connection with the prosperity of the United States that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the Government of the United States duties and obligations, the performance of which, however painful it should be, they might not be at liberty to decline.

No serious attempt to interpret the Monroe message was made until the question of sending delegates to the Panamá Congress arose. In 1824, when Bolívar was president of Peru, he sent a circular letter to the governments of Hispanic-America inviting them to meet in Panamá in order to outline the bases of a pact of union, association, and confederation. The idea of a union or confederation of all the states of Hispanic-

<sup>10</sup> *Annals of Congress*, 1823-24, II, 2763.

<sup>11</sup> For such instances see Moore, John Bassett, *Digest of International Law*, Washington: 1906, VI, pp. 412-416; 434; 457-458.

<sup>12</sup> *Ibid.*, p. 447. Mr. Clay wrote on Oct. 25, 1825 to Mr. Brown, minister to France, that the United States "could not consent to the occupation" of Cuba and Porto Rico "by any other European power than Spain, under any contingency whatever." *Am. State Papers, For. Rel.*, V, 855.

America seems to have been dominant in the thoughts of many statesmen of those countries. It was enunciated in 1810 by the Chileans, Martínez de Rozas and Egaña, by the Government Council of Buenos Aires in the credentials of Alvarez Jonte, their delegate to the Congress of Santiago de Chile, and by Bernardo O'Higgins in his Manifesto to the People of Chile, May 5, 1818.<sup>13</sup> Bolívar, however, consistently emphasized this idea more than any other leader. He invited the republics of the continent in 1822 to draw up treaties of "union, association and perpetual confederation." Colombia actually concluded such treaties with Chile, Perú, México, and Central America. The Panamá Congress was called to set forth the principles of the confederation which was proposed in these treaties. The United States was also invited by Vice-President Santander to be represented at the Congress, for it was proposed to enunciate principles similar to the Monroe message and to discuss means for abolishing the slave traffic.<sup>14</sup>

President Adams accepted the invitation for the United States and in his special message to Congress on the subject outlined the objects of the proposed conference. But the man-

<sup>13</sup> For a copy of these documents see Alvarez, *The Monroe Doctrine*, pp. 132, 133, 134.

<sup>14</sup> Congress had serious objections to the United States being represented at the Panamá Congress because of the informal manner in which the invitation was extended and the lack of deference showed the United States. The report of the Senate Committee on Foreign Relations upon this point is as follows:

"The negotiations previously entered into between the new States, were brought to a close, and conventions providing for the objects of the proposed Congress, were actually concluded, some of them so far back as the 6th day of July, 1822. . . . It thus appears, that, after every thing relative to the meeting of the proposed Congress had been settled, by formal negotiations and treaties between themselves, the United States have been thus loosely invited by the other American States, as if in mere courtesy, to attend its deliberations. . . . The Committee are well aware that the interest and character of free States, should never be permitted to rest upon matters of mere fastidious etiquette and ceremonious observance; but even in the intercourse between individuals, and much more in that between sovereignties, there is a point at which form becomes substance, and when scrupulous attention, to the most minute ceremonials that comity and respect exact, is due to the sacred character and dignity of the Republic." *Senate Executive Document*, No. 68, pp. 72-73. 19th Cong. 1st. Sess.

It is probable that Bolívar did not desire the presence of the United States at this Congress. Perú la Croix, one of Bolívar's officers, records in his diary that the General in conversation with him on this point stated that he had not included the United States in his plans. He had assembled the Congress as only a piece of bravado (*fanfaronada*). Perú la Croix, L., *Diario de Bucaramanga*, Paris: 1912.

ner in which the mission was presented to Congress made it a matter of opposition to the administration to refuse it.<sup>15</sup> The proposition caused unusual excitement, and on all sides it was pronounced to be the most important subject before the government since its foundation, not excepting the War of 1812.<sup>16</sup> Public interest in the matter, however, was not aroused until the contention in the Senate, carried on behind closed doors, was rumored abroad. Newspapers scolded the Senate for attaching so much importance to a matter from which "no particular benefit" would result "beyond a mere interchange of courtesies with our sister republics."<sup>17</sup> But as the debates continued violently in both Houses, the people became agitated. Senator Benton, who spoke in opposition to the Panamá Mission, later described the subject as one giving rise to grave questions. "It inflamed the passions of parties and individuals, raised a tempest before which Congress bent, made bad feeling between the President and the Senate; and led to a duel between Mr. Randolph and Mr. Clay."<sup>18</sup> The nomination of Richard Clark Anderson of Kentucky was finally confirmed by a vote of 27 to 17 and that of John Sergeant of Pennsylvania by a vote of 26 to 18. Colonel Benton admits the vote to have been a party one, "the democracy, as a party, being against it." "But of those of the party who voted for it," the Senator said later, in an attempt to explain the cause of the party defeat, "there was afterwards, either to themselves or relatives, some large dispensations of executive patronage."<sup>19</sup> In the House the vote for the administration measure was on most occasions 99 to 94, but on the final passage of the appropriation bill late in April it was 134 to 62. During the course of the discussion on the subject, the House rejected in Committee of the Whole the McLane Amendment which was a qualification on the power of the executive to instruct the

<sup>15</sup> Benton, Thomas H., *Thirty Years' View, Or a History of the Working of the American Government for Thirty Years*, New York: 1854, I, 65-69.

<sup>16</sup> *Cong. Debates*, 1825-26, II, part 1, p. 342.

<sup>17</sup> *National Intelligencer*, Jan. 26, 1826; March 16, 1826.

<sup>18</sup> Benton, *op. cit.*, I, p. 56.

<sup>19</sup> *Ibid.*, p. 66.

ministers and to bind the United States government to action. Later the qualification was agreed to, but finally was rejected by a large majority.<sup>20</sup>

The debates turned not on the persons nominated but on the mission itself. The occasion gave rise to questions of constitutional law and of national policy, the importance of which has survived the subject which gave rise to them. Prominent among these significant questions was the interpretation of the Monroe message of 1823. The interpretation of this declaration gave rise to considerable surprise in some quarters. Colonel Benton observed that the new interpretation had entirely modified "this 'Monroe doctrine' (according to which it has been of late believed that the United States were to stand guard over the two Americas, and repulse all intrusive colonists from their shores)."

Students of the Monroe Doctrine are prone to dismiss this first public interpretation of the Monroe message on the ground that it was colored by party strife.<sup>21</sup> It has been overlooked,

<sup>20</sup> This action on the part of the House of Representatives gave rise to considerable conjecture by the press. Some cry of bargain was heard which occasioned several who had changed their votes to write letters of explanation to the public. Wickliffe, of Kentucky, who voted for the measure, explained the vote in a short speech in the House April 25:

"The Panama question had been met, and its nature and character tested by the vote upon the amendment offered by the gentleman from Delaware (Mr. McLane). That amendment, after full and elaborate discussion, had been adopted by a vote of 99 to 94. . . . The opinion of this house was expressed in language too strong to be misunderstood, and too powerful to be disregarded. The friends of the measure then moved to lay the resolution and amendment upon the table. . . . On the next morning, by a counter-march upon the *right-wing*, eighty-three members, who were for the mission in its unrestricted sense, went over to the enemy's camp, and united with the sixty-two who were opposed to the mission as wholly inexpedient: and thus the two extremes, uniting for different reasons, produced the result of 143 votes against the expediency of the mission, leaving 54 who were in favor of it, restricted as it was by the vote of the house.

"The house then took up the bill appropriating the money to defray the expenses of the mission, and it passed to a third reading by a vote of 134 to 62. The eighty members who had just voted the mission inexpedient united with the fifty-four who had voted for the resolution as amended. The journals of this house, by this shifting and changing sides, is made to speak a language contrary to the deliberate judgments of a majority of the members." *Niles' Weekly Register*, XXX, 248. June 3, 1826.

<sup>21</sup> See Edgington, T. B., *The Monroe Doctrine*, Boston, 1905, pp. 55-59. Thomas, David Y., *One Hundred Years of the Monroe Doctrine*, New York, 1923, pp. 48-50. The contemporary press also emphasized the party conflict involved in the

however, that both those who favored and those who opposed sending ministers to the Panamá Congress were in accord as to their interpretation of the Monroe message.<sup>23</sup> It must be pointed out that this accord was more of an agreement as to what the Monroe message was not than as to what was positively involved in it. Nevertheless, the debates in Congress, the messages of President Adams and the papers of Secretary Clay, the invitations and replies of the various governments concerning the Panamá Congress, all give an interpretation to the message contrary to the conception of it held by the average American reader in 1823. The *Baltimore American* wrote in the heat of the debate in the House that if President Monroe's message was not a pledge on the part of the United States "to prevent all attempts made by any other European power than Spain to reduce the South American Republics, we confess ourselves ignorant of the meaning of words."<sup>24</sup> The Maryland State Legislature adopted a resolution favoring the Panamá Mission as did also the legislature of Pennsylvania.<sup>25</sup>

Panamá question. "Heaven forbid," wrote *Niles' Weekly Register*, May 6, 1826, "that so great a hazard of the public peace should be made because of a personal opposition to one individual or a personal preference to another. . . . Political differences may not be allowed to endanger the safety of the republic; and the truth will soon and certainly appear to all the people of the United States, as it has to Mr. Brent (of Louisiana)—as a great effort on the part of the administration to preserve Cuba to Spain, and otherwise secure the safety of the South."

<sup>23</sup> See especially the debates in the Senate of Van Buren, Hayne, and Johnston, and in the House of Wickliffe, McLane, and Webster. *Cong. Debates 1825-26*, II, parts 1 and 2.

<sup>24</sup> Reprinted in *National Intelligencer*, April 1, 1826.

<sup>25</sup> The Pennsylvania resolution was as follows:

"Whereas, the president of the United States, in his late message, has informed the country that the republics of the south have invited our government to send representatives to meet them in congress to be held in Panama; and as, on a recent occasion, the legislature of the state adopted a resolution approbatory of president Monroe, in defence of the cause of liberty in the western hemisphere, thus manifesting its sympathy with and deep interest in the establishment of other republics, based like its own, upon the just acknowledgment of the rights of man. Therefore resolved, by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, that the policy of a mission to Panama, comports, in an eminent degree, with the liberal principles of the day, and is calculated not only to foster and protect those who merit our support as friends of freedom, but also, to familiarize our government with the views and resources of a people rising in the majesty of their strength, in the scale of national importance." *Niles' Weekly Register*, XXIX, 402.

The interpretations given the Monroe message by the executive and legislative departments of the United States government and by the Latin American countries concerned with the Panamá Congress may be grouped under the following heads: (1) content of the message, (2) the non-colonization principle, (3) the message as an ideal of national liberty, (4) the regional incidence of the message, (5) the message as a principle of self-defense, (6) the message as a presidential asseveration.<sup>25</sup>

There seems to have been little disagreement in Congress as to the content of President Monroe's message, but some difference of opinion as to the point of chief emphasis. Senator Van Buren in reciting the occasion of the Monroe message held that the message contained certain definite points applicable to certain definite situations. He explained that from 1818 to 1823 "a sort of rivalry existed in this country between the President (Mr. Monroe) and a *quasi* opposition to his administration, on the subject of Spanish American affairs."<sup>26</sup> Mr. Monroe, therefore, "determined to crown the measures of the Government, upon this subject, by adopting a course of relation to it, which, while it rendered efficient service to the Spanish American cause, could not fail to secure to his administration the reputation of being its greatest patron." Under these circumstances, he made the assertion concerning the extension of the European system to this hemisphere, the interposition in Spanish America, and the neutrality of the United States. And further, explained Mr. Van Buren, in the discussion with Russia relative to the northwestern coast of this continent, the occasion was embraced for asserting that the American continents were not subjects for future colonization.

Senator Mahlon Dickerson, of New Jersey, speaking in

<sup>25</sup> The efforts to arrive at a constructive definition of the Monroe Doctrine have been listed by Professor W. W. Pierson as follows: "the Monroe Doctrine regarded as: (a) a unilateral declaration of policy, (b) a sentiment of hemispheric solidarity, (c) an ideal of human and national liberty, (d) a regional understanding, (e) a principle of self-defense, (f) a presidential asseveration, (g) a *doctrine*." *Hispanic-American History: A Syllabus*, Chapel Hill, 1926, p. 136. It will be seen that expressions applicable to at least six of these categories were made in the discussion of the Panamá Mission in 1826.

<sup>26</sup> *Cong. Debates*, 1825-26, II, part 1, p. 242.

opposition to the Panamá Mission, said that the President in his message to Congress in December, 1823, stated that<sup>27</sup>

the allied Powers of Europe could not extend their political system to any portion of either continent of America, without endangering our happiness; that we could not believe that our Southern brethren, if left to themselves, would adopt it of their own accord; and that we could not behold such interposition, in any form, with indifference. And the still more memorable pledge, in the same message, that the American continents are henceforth, not to be considered as subjects for any future colonization by any European Powers.

Senator J. S. Johnston, of Louisiana, speaking in favor of the Mission, said that "the declaration of the President admonished neutral nations not to interfere with Spain and her colonies,"<sup>28</sup> while Senator Hayne pointed out that "the substance of Mr. Monroe's statement was 'that he should consider any attempt on their part (the Powers of Europe) to extend their system to any portion of this hemisphere, as dangerous to our peace and safety,' and as the 'manifestation of an unfriendly disposition towards the United States.'"<sup>29</sup>

There was less disagreement concerning the non-colonization feature of the Monroe message. Most of the debaters in Congress maintained that it was absurd to hold that the United States was pledged to prevent European colonization. Senator Hugh L. White, of Tennessee, expressed himself as being surprised that one of the subjects specified for discussion at the Panamá Congress by Bolívar was a proclamation "in regard to the necessity for the European powers of abandoning all ideas of further colonization on this continent." If the Monroe message were cited as the basis for the topic, the Senator wished to assure Spanish America that the non-colonization clause was a "sentiment thrown out in opposition to the pretensions of Russia in the Northwest."<sup>30</sup> Since that matter was

<sup>27</sup> *Ibid.*, p. 296.

<sup>28</sup> *Ibid.*, p. 224.

<sup>29</sup> *Ibid.*, p. 162.

<sup>30</sup> *Ibid.*, p. 206.

settled in 1824, "there can now be no necessity for an agreement upon that subject."

The report of the Senate Committee on Foreign Relations, which was drawn by Littleton W. Tazewell and read by Nathaniel Macon, ridiculed the idea of making an agreement concerning non-colonization or of warning Europe against it:<sup>31</sup>

Every spot known or habitable in America, is already appropriated by different nations, whose rights of territory all recognize; and, if trifling differences may exist between any, upon the subject of mere boundary, these differences constitute fit matter of friendly discussion between them alone. The idea of colonization in America, therefore, no longer exists.

Senator Hayne, of South Carolina, declared that the idea of stipulation against colonization was "degrading and unmeaning, unless it is intended that we shall guaranty to the new States the possession of their territories; and, if that is the plan, it is as unwise as it is dangerous."<sup>32</sup>

It was in connection with the non-colonization principle that President Adams developed his interpretation of the Monroe message as a principle of national liberty. One of the subjects which might be discussed at the Panamá Congress, said the President in his special message to Congress December 26, 1825, was "an agreement between all parties represented at the meeting that each will guard by its own means against the establishment of any future European colony within its borders."<sup>33</sup> The non-colonization principle was, President Adams explained, "more than two years since announced by my predecessor to the world as a principle resulting from the emancipation of both the American continents. It may be so developed to the new southern nations that they will feel it as an essential appendage to their independence." This point

<sup>31</sup> *Senate Executive Document No. 68*, p. 74, 19th Cong. 1st Sess.

<sup>32</sup> *Cong. Debates*, 1825-26, II, part 1, p. 206.

<sup>33</sup> *Proceedings of the International American Conference*, IV, p. 22; *Am. State Papers, For. Rel.*, V, p. 834. The President in his message to the House of Representatives goes into a fuller explanation of his views. Another important document on non-colonization is Mr. Adams letter to Mr. Anderson dated May 27, 1823.

President Adams further explained in his special message on the subject of the Panamá Mission March 15, 1826. "Should it be deemed advisable to contract any conventional engagement" on the topic of the Monroe Doctrine, President Adams assured Congress that "our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principle in application to its own territory."<sup>34</sup> Secretary Clay, in accordance with the view stated by the President, made it clear in his instructions of May 8, 1826, to the American plenipotentiaries to Panamá that it was not intended to commit the parties, who might concur in any joint declaration against future colonization, "to support of the particular boundaries which may be claimed by any one of them; nor is it proposed to commit them to a joint resolution against any future attempt to plant a new European colony."<sup>35</sup>

There was a large number of Congressmen who were by no means willing to yield to this interpretation of President Monroe's message. The report of the Senate Committee on Foreign Relations doubted the authority of the government of the United States to enter into negotiations with foreign nations on such a topic as non-colonization and pointed out that dangerous consequences might follow by arousing the suspicion of countries in the Old World which still held possessions in the new world. Senator White summarized his objection to the President's explanation of the non-colonization feature as follows:<sup>36</sup>

If it be intended that we shall stipulate with the new States, that we shall use all our means to prevent any foreign power from planting a colony within the United States, and that they shall stipulate to use all their means to prevent a colony from being planted within their limits, I object to it for most obvious reasons. The United States . . . ought not to stipulate with any other Power as to the use which we will make, or permit others to make, of any portion of our territory.

<sup>34</sup> Richardson, James D., *Messages and Papers of the Presidents*, II, p. 355.

<sup>35</sup> *Proceedings of International American Conference*, IV, p. 137.

<sup>36</sup> *Cong. Debates*, 1825-26, II, part 1, p. 206.

President Bolívar, however, clearly agreed with President Adams in interpreting the Monroe message as a principle of national liberty. Articles VII and XIII of the instructions which Bolívar gave to the delegates of Perú, May 15, 1825, relate to the Monroe Message.<sup>87</sup> Article VII looks to a declaration on the part of the confederated South American states similar to that made by President Monroe; while Article XIII relates this conception to the declaration of Monroe. Alejandro Alvarez, prominent Chilean jurist and author of two works relating to the Monroe Doctrine, is of the opinion that the Hispanic-American states had more interest in proclaiming conjointly the Monroe Doctrine than had the United States.<sup>88</sup> The very fact that the Hispanic-American states did not sign a pact with the United States concerning the principles of the Monroe Doctrine implies that they conceived it to be purely continental in character.

Although Congress did not endorse the President's interpretation of the Monroe message, several who entered the debate on the subject indicated that they held the doctrine to have a regional incidence. Senator Dickerson in March, 1826, declared, "If these new Governments suppose we are to redeem" the Monroe assertion "any farther than to promote our own views in preventing change, as to the possession of the Islands of Cuba and Porto Rico, they deceive themselves."<sup>89</sup> Daniel Webster in his famous speech before the House, April 14, more

<sup>87</sup> "Article VII. You shall endeavor to obtain from the great Congress of the American States the issuing of a proclamation, setting forth the narrow views and designs of Spain, the immense harm which her Government has done to America, and the political course of action which America proposes to pursue in her relations with the powers of the world, namely, friendship to all, and strict neutrality. . . .

"Article XIII. You shall see that the proclamation which, under article 7 of these instructions, must be issued and published by the Great Congress of the Isthmus, contains such an energetic and efficient declaration as that made by the President of the United States of America in his message to Congress of last year in regard to the necessity for the European powers of abandoning all ideas of further colonization on this continent, and in opposition to the principle of intervention in our domestic affairs."

<sup>88</sup> Alvarez, *The Monroe Doctrine*, pp. 14-15. See also his work *Le Droit International Américain*, Paris.

<sup>89</sup> *Cong. Debates*, 1825-26, II, part 1, p. 297.

clearly emphasized the continental policy of the Monroe Doctrine:<sup>40</sup>

It did not commit us, at all events, to take up arms on any indication of hostile feeling by the powers of Europe towards South America. . . . If an armament had been furnished by the allies to act against provinces the most remote from us, as Chile or Buenos Aires, the distance of the scene of action diminishing our apprehension of danger, and diminishing also our means of effectual interposition, might still have left us to content ourselves with remonstrance. But a very different case would have arisen, if any army, equipped and maintained by these powers, had been landed on the shores of the Gulf of Mexico, and commenced the war in our own immediate neighborhood.

Thus the Monroe message was essentially a policy for the United States. It was to be exercised chiefly for the interest of the state which had pronounced it. There were those in the debate on the Panamá Mission who went further, and declaring that the message was entirely a principle of self-defense. It was Senator Van Buren's belief that Monroe's assertion had set forth correct principles, "but left us at liberty to act, or not, in enforcing them, as our interest or our policy might at the moment require: a question to be decided like all similar questions, by determining whether, under the circumstances, it will best promote the honor and interest of the country to act or stand still."<sup>41</sup> The instructions which Secretary Clay gave to the representatives of the United States indicate that the Monroe Doctrine was understood as a principle of national defense. The following statement which he made in reference to the general policy of the United States toward the republics was one frequently emphasized in the Congressional debates:<sup>42</sup>

No intention has been entertained to change the present pacific and neutral policy of the United States. . . . From the first establishment of their present Constitution, their illustrious statesmen have inculcated the avoidance of foreign alliances as a leading

<sup>40</sup> *Ibid.*, part 2, pp. 2267-8.

<sup>41</sup> *Ibid.*, part 1, p. 242.

<sup>42</sup> *International American Conference*, IV, pp. 136-37.

maxim of their foreign policy. . . . There is less necessity for any such alliance at this juncture on the part of the United States, because no compact . . . could be more obligatory upon them than the irresistible motive of self-preservation, which would be instantly called into operation in the supposed contingency of a European attack upon the liberties of America.

Professor Shepherd considers the policy of national defense as the connecting idea and purpose of the Monroe Doctrine.<sup>43</sup> Certainly this was a point frequently made in the Congressional debates on the Panamá Mission. Opponents to the Mission saw in it an abrogation of our foreign policy of freedom from entangling alliances; while advocates of the Mission saw in the meeting at Panamá no compromise whatever of this "sacred policy." But as to the necessity of the policy both sides were agreed.

By far the largest number of debaters in Congress and expounders in the public press saw in the Monroe message nothing more than a presidential assertion of opinion which in no way bound the United States to action. For this reason, the message was not a pledge; it was not a doctrine; it did not bind the United States to action. The President had only stated his personal views. For fear President Adams might give the Hispanic-American states gathered at Panamá a wrong impression as to the status of Monroe's message, it was proposed to attach the McLane amendment to the appropriation bill.<sup>44</sup> This amendment, which was rejected, passed, and again rejected, stated that it was the opinion of the House that the ministers sent to Panamá should not be authorized to discuss, consider, or consult upon any stipulation "binding the United States, in any way or to any extent, to resist interference from abroad with the domestic concerns of the aforesaid Govern-

<sup>43</sup> Shepherd, W. R., "The Monroe Doctrine Reconsidered," *Political Science Quarterly*, XXXIX, 35-66.

<sup>44</sup> *Supra*, pp. 58-59.

ments, or any measure which shall commit the present or future neutral rights or duties of these United States."<sup>45</sup>

Senator Hayne, the first speaker in the Senate to dwell at length upon the objects and import of the Panamá Mission, clearly enunciated the idea that the Monroe message was nothing more than a presidential asseveration. It is significant that most of the other speakers both for and against the Mission followed the general lines of his reasoning. Concerning this point he said:<sup>46</sup>

Now I do positively deny that Mr. Monroe ever pledged this nation to go to war or make treaties to prevent the interference of any European nation in the present contest. I deny that he had a right to make any such pledge; and most of all do I deny that any sanction has been given to such an idea by the Senate, the House of Representatives, by the States, or by the People of the United States. The language of Mr. Monroe is extremely vague and indefinite. That great and good man well knew that he had no power to use any but a moral force on that question; and beyond this moral influence over the councils of the nations of Europe, he neither attempted nor desired to go. He well knew—every intelligent man in the United States knows—that this nation is not now, and never has been, prepared to go to war for the independence of South America.

"*House of Representatives Resolution*, No. 36. 19th Cong. 1st Sess. The House also considered a resolution submitted by Mr. Thompson, of Ohio, which had for its object the correction of the "erronious impression" made by the Monroe message:

"The settled policy of this Government has been, since seventeen hundred and ninety-three, to form no political relations or entangling alliances, with any foreign nations. But, since the famous declaration in the President's Message, of eighteen hundred and twenty-three, there appears to be a manifest deviation or disposition to deviate by the Executive Department of the Government, from that well known maxim of policy. To check such assumption, and all assumption, it is fit and proper that the Legislative branch of the Government should frequently recur to first principles, and express their opinion, as a check and directory to the Executive branch.

"*Therefore, Resolved*, That it be the opinion of this House that the policy recognized in President Washington's Proclamation, of seventeen hundred and ninety-three, repeated and enforced by his Farewell Address, relative to our foreign affairs, has been, is now, and ought to be in time to come, the settled policy of the Government.

"*Resolved*, That every declaration of policy belong exclusively to the Legislative branch of the Government, and not to the Executive." *House of Representatives Resolution*, No. 41. 19th Cong. 1st sess.

"*Cong. Debates*, 1825-26, II, part 1, pp. 261-62.

. . . Beyond the indulgence of a sincere and friendly sympathy, we have never been willing to proceed. Mr. Monroe's declaration, I repeat, was intended to produce a moral effect abroad; he designed it for the atmosphere of Europe, and therefore it was couched in such terms that, while it did not commit us to any overt acts, it left foreign nations under a vague impression of what we might do, if the event alluded to should ever happen. . . . It is obvious that we are left by this pledge altogether free to act in any emergency according to the circumstances and a sense of our own interests.

Later in the debate he said that "the true Constitutional ground" of the question is "that the President has no right to pledge this nation." He explained further that this was the first occasion that had presented itself for Congress to act upon the Monroe message. Confirmation of the presidential nominees would be tantamount to an endorsement of the Monroe declaration, for the executive department had led the Hispanic-American countries to believe that the United States had actually given them a pledge. Senator J. S. Johnston, in reply to this argument, maintained that the present administration had given the South American countries no such intimation, citing as proof the fact that Mexico refused to place the United States on the most favorable footing commercially; this too after Mr. Poinsett had used the argument of the Monroe declaration. "The argument of Mr. Poinsett failed," pointed out the senator, "because there was no other pledge than the President's pledge of 1823. If any separate, specific, positive pledge of protection had been given, who doubts that they would have placed us on the footing with the most favored?"<sup>47</sup>

The House of Representatives in alarm over Mr. Poinsett's reference to the Monroe message considered a resolution instructing the Committee on Foreign Relations<sup>48</sup>

<sup>47</sup> *Ibid.*, p. 226.

<sup>48</sup> *Ibid.*, II, part 2, p. 1765. For the debates on this resolution and the interpretations of the "so-called pledge" see pp. 1765-1768; 1798-1820. In the course of the debate Mr. Mallory said that "the reference of our minister seemed to him to be no other pledge than that which may be understood as given in Mr. Monroe's message. Yet, when that message was closely examined, it would be found to contain no express pledge as to what this Government would do in the case supposed." Mr. F. Johnson, of Kentucky, said that "the declaration, or pledge, as some have called it, was not made to the Southern Republics; it was not made to France, or to England, or to the Allied Powers; it was no pledge to any one; it was a declaration, founded upon considerations of the defence of our own institutions."

to inquire and report . . . upon what authority, if any, the minister of the United States to the Mexican republic, in his official character, declared to the plenipotentiary of that government that "the United States have pledged themselves not to permit any other power (than Spain) to interfere with either their (the South American Republics') independence, or form of government;" and that, in the event of such an attempt being made by the powers of Europe, we (the United States) would be compelled to take the most efficient and active part, and to bear the brunt of the contest !

The House did pass an amendment to this resolution asking for the correspondence between Mr. Poinsett and Secretary Clay and demanding to know if any pledge had been given to the South American States. This resolution utterly ignored the fact of the Monroe message. Secretary Clay in reply to the resolution stated that "the United States have contracted no engagement nor made any pledge to the governments of Mexico and South America."<sup>49</sup> But he added, "it will be seen that the message of the late president of the United States, of the 2d December, 1823, is adverted to in the extracts now furnished from the instructions to Mr. Poinsett, and that he is directed to impress its principles upon the government of the United Mexican States. All apprehensions of the danger to which Mr. Monroe alludes . . . have ceased." If an attempt had been made by the allied powers of Europe to subvert the liberties of the southern nations, Mr. Clay stated that "the people of the United States would have stood pledged, in the opinion of their executive, not to any foreign state, but to themselves and their posterity." "It is to a pledge of this sort," the Secretary assured the House, "that Mr. Poinsett alone refers."

Many newspapers expressed relief at this explanation of the pledge to which Mr. Poinsett had referred. Edward J. Hale, editor of the *Carolina Observer*, said:<sup>50</sup>

We are highly gratified to find, as we do from the report of Mr. Clay, that the construction which would instantly be placed upon the language of Mr. P. is erroneous. . . . We like to see the prompt

<sup>49</sup> *Niles' Register*, XXX, 92.

<sup>50</sup> *Carolina Observer*, April 5, 1826.

disavowal of an intention to pledge the country in a manner tantamount to a conditional declaration of war. The Executive has not yet added this to its usurpation of power. . . . We are astonished how any man who has the good of his country at heart, can desire to see her *pledged* to fight any battles but her own, or willing to accept the assistance of any other power to extricate her from her own quarrels.

Senator White was of the opinion that the Monroe message, "a general declaration of his own Congress of the sentiment which would be felt by the United States if any neutral should interfere on the side of Spain," was only a pledge of the Monroe administration and should rest there. "The Executive has no power to bind the United States by any *pledge* he could give," he stated. "Nothing can bind, but a declaration made in the proper form, and by the proper department of this Government."<sup>51</sup> Senator John Holmes of Maine would go a step further, declaring that the Monroe assertion was never intended by Monroe himself to be a pledge and was not even binding on that President's administration:<sup>52</sup>

The President had no authority, by his own act alone, to pledge the United States to any foreign Power. He did not intend to do so. It was a mere declaration of the policy, which, under given circumstances, he believed it proper for the United States to pursue. It did not bind him. It did not bind Congress. They declined to respond to it. No foreign Power could demand the enforcement of it, because no foreign Power was party to it. If, when the crisis arrived, the President and Congress, for the time being, should take the same view of the policy of the United States, the principle of this declaration would be acted upon. If otherwise, it would be abandoned. The notion of a pledge is visionary.

It seems evident, therefore, that the Monroe message two years after it was announced was not considered a permanent policy of the United States. President Adams would speak of it as a principle, but Congress was by no means willing to yield the point. Yet President Adams had made the principle some-

<sup>51</sup> *Cong. Debates*, II, part 1, p. 200.

<sup>52</sup> *Ibid.*, p. 268.

thing entirely different from the message. This is a point which Colonel Benton thought significant. After quoting the words of the President on the non-colonization feature, Mr. Benton says in his *Thirty Years' View*:<sup>53</sup>

These were the words of Mr. Adams, who had been a member of Mr. Monroe's cabinet, and filling the department from which the doctrine would emanate; written at a time when the enunciation of it was still fresh, and when he himself, in a communication to the American Senate, was laying it down for the adoption of all the American nations in a general congress of their deputies. The circumstances of the communication render it incredible that Mr. Adams could be deceived in his understanding; and, according to him, this "Monroe doctrine" (according to which it has been of late believed that the United States were to stand guard over the two Americas, and repulse all intrusive colonists from their shores), was entirely confined to our own borders: that it was only proposed to get the other states of the New World to agree that, each for itself, and by its own means, should guard its own territories: and consequently, that the United States, so far from extending gratuitous protection to the territories of other states, would neither give, nor receive, aid in any such enterprise, but that each should use its own means, within its own borders, for its own exemption from European colonial intrusion.

Hispanic-American writers on the subject usually go farther than Colonel Benton in criticising the President's interpretation of the Monroe message. Martín García Mérou, a minister plenipotentiary of the Argentine Republic, has called Mr. Adams' message to Congress a "repudiation of the Monroe Doctrine on the part of its initiator."<sup>54</sup> Carlos Pereyra, Mexican author and professor, is more vehement. He speaks of the whole procedure of the United States in regard to the Panamá Congress as *un grotesco anacronismo* of the Monroe message. He holds that President Adams, in his message to Congress, read the Monroe Doctrine out of existence.<sup>55</sup>

<sup>53</sup> *Thirty Years' View*, I, p. 67.

<sup>54</sup> García Mérou, Martín, *Historia de la diplomacia americana*, Felix Lajouane Y Ca. Editores, Buenos Aires, pp. 340-1.

<sup>55</sup> Pereyra says: "Resulta de todo lo anterior que el presidente Adams no podía ser más egoista, más pacífico ni más conservador en sus exhortaciones. No sólo mataba la doctrina de Monroe en lo que pudo haber tenido de oportuna dos años

To Congress the Monroe message was a "protest," a "memorable declaration," a "sentiment," a "declaration of opinion," an "assertion." Above all, it was a presidential statement not binding upon the government. The message had moral weight at the time it was enunciated, but as for the exercise of the principle in the future, that was a matter which would concern the interests of the United States at the moment.

antes, sino que parecía esmerarse en decir á los pueblos de América que toda su retórica de entonces había sido falsa y engañosa. . . . Brillante oportunidad para que esa moneda falsa de Monroe hubiese sido arrojada al montón de las escorias. Pero estaba destinada á seguir circulando, y circula todavía. ¡Imperiosa, tiránica fuerza de la credulidad humana!" *El mito de Monroe*, Madrid, pp. 114-115.

## IV. INSTITUTIONAL HISTORY OF THE *INTENDENCIA*

BY WILLIAM WHATLEY PIERSON, JR.

It is the purpose of the writer to submit several studies on the institutional history of the *intendencia* of the Spanish empire. This subject, so far as the author is aware, has never received monographic treatment, in the English language. It is, however, of interest and importance—because its history is an example of the transplantation by the Bourbon dynasty of an administrative system from France to Spain and thence to the New World, because the establishment of the *intendencia* was one of the reform efforts made during the eighteenth century, and as such it was one of the most significant developments of the later Spanish empire and illustrates some of the merits and deficiencies of the innovations and experiments made within that period. As the intendancy, in Spanish imperial practice, showed striking differences—functional and territorial—that amounted, it is believed, to regional differentiation, a series of studies rather than a generalized survey has been planned. The first of these efforts is entitled "The Establishment and Early Functioning of the *Intendencia* of Cuba."<sup>1</sup>

### INTRODUCTION

I. Professor Allen Johnson began his dissertation on the *Intendant under Louis XIV*, published in 1899, by stating that "There is no more persistent error among historians than that which ascribes to Cardinal Richelieu the creation of the insti-

<sup>1</sup> The illustrative and documentary materials used in this paper relate, in the main, to the period 1764 to 1825. The intendancy of Cuba falls roughly into two periods—that from 1764 to 1812, during which time there was one intendant for the whole island, and that from 1812 to 1853, when there was a superintendent with residence at Havana and two subordinate intendants located respectively at Santiago de Cuba and Puerto Principe. In 1853, the captain-general was invested with the powers of superintendent. The two subordinate intendancies remained. The writer was enabled to have certain documents, relative to the intendancy, copied in the Spanish archives at Sevilla and Simancas by grant from the Smith Fund generously made by authorities of the University of North Carolina.

tution of intendants."<sup>2</sup> Earlier the historian Caillet, in 1857, and Gabriel Hanotaux, in 1884, had demonstrated convincingly that the establishment and employment of this institution antedated by many years the ministry of Richelieu. Hanotaux, with his studies supported by ample documentary evidence, showed that the *intendants des provinces*, successors of the *intendants de justice*, were in existence in 1555; that their powers and duties increased in time little by little *pari passu* with the increase of royal power; that in the person of Bellièvre, as early as 1594, and forty years before the alleged decree of Cardinal Richelieu, an intendant combined the powers and attributes of *justice, police et finances*, that Richelieu made no innovations in principle and that he had no great, but only slight and temporary influence on the development of the institution.<sup>3</sup> These conclusions would seem entirely justified. As to the ultimate origin, there is room for greater doubt, and the theories are numerous—such as those which derive the intendants from the *quæstors* of Rome, the *missi dominici* of Charlemagne, the *enquêteurs royaux* of Saint Louis, and the *maitres des requêtes* of a later day. With these inquiries, we are not here concerned; but rather with the fact that in the reign of Louis XIV the system of intendants obtained as a flourishing instrumentality of royal despotism and national power. However striking an institutional feature of the Age of Louis XIV the intendance may have been, the system appears not to have been uniform throughout France, for according to his commission the intendant's duties and attributes were variable. Used on occasion, for special missions, with

<sup>2</sup> A. Johnson, *The Intendant as a Political Agent under Louis XIV*, p. 7.

<sup>3</sup> J. Caillet, *De l'Administration en France sous le ministère du Cardinal Richelieu*; G. Hanotaux, *Origines de l'institution des intendants de provinces d'après les documents inédits*. Cf. P. Ardacher, *Les Intendants de province sous Louis XIV* (1904); Ch. Godard, *Les Pouvoirs des intendants sous Louis XIV* (1901); P. Dubuc, *L'Intendance de Soissons sous Louis XIV, 1643-1715* (1902); A. Loiseau, *Revue du service de l'intendance militaire* (1912); M. Martin, *L'Intendance militaire des troupes coloniales ses origines, son passé et son organisation présente* (1911.)

one or more or all of the attributes, the intendants often found the tenure of their office limited.<sup>4</sup>

II. The introduction of the institution of intendants in Spain has always been associated with the accession of the Bourbon dynasty. At the close of the rule of the Austrian House, with the reign of Charles II (1665-1700), the country was in distressing state. As drawn by many Spanish historians, the picture of Spain in the 17th century shows the state and government in decadence, with the old impulse of leadership misdirected or dead, and the national purposes frustrated. Despite all of this decline and weakness, the rulers futilely continued the gesture of a great power by constant participation in wars, which far from being advantageous completed the ruin. Thus Spain, on the death of Charles II—to use the words of José de Gálvez—"was little less cadaverous than its defunct master."<sup>5</sup> Without an army, without treasury, with disordered administration, with respect for authority gone, without prestige,—in fine with its power broken, Spain lay before Europe, weak and ex-animate, awaiting partition as another Poland of another day. Into this crisis—political, moral, economic, cultural—came the accession of Philip V and the Bourbons, a fact little short of the interposition of Providence as many Spanish writers have been prone to view it. With a different

<sup>4</sup> Hanotaux, *op. cit.*, p. 55. He defines an intendant in the following language: "Il est entendu que, quand nous parlons d'un intendant, nous voulons dire, par définition: un magistrat que le pouvoir central a chargé, en vertu d'une commission, de faire sentir loin de la cour l'action de la puissance royale, et que, parmi ses titres officiels, peut citer celui d'intendant ou sur-intendant de la justice ou d'intendant de la justice et police ou d'intendant de la justice, police et finances." (p. 9.)

<sup>5</sup> *Informe y Plan de Intendencias que conviene establecer en las Provincias de este Reyno de Nueva España*, Archivo General de Indias (hereinafter cited as A. G. de I.), at Sevilla, 146-6-14, by which symbol is meant Estante 146, Cajón 6, Legajo 14. The document mentioned is dated January 15, 1768. To the arguments by Gálvez and Viceroy Croix for the intendancy were added, in communications of the same month and year, those of the Archbishop of Mexico and the Bishop of Puebla. The picture of Spain in the seventeenth century may be derived from any history of the country. It is briefly depicted in M. Danvila y Collado, *El poder civil en España*, vol. III, pp. 252-256, 365-366; M. Colmeiro, *Historia de la economía política en España*, II, 178-183, 198-213, 332-355. Cf. R. Altamira y Crevea, *Historia de España y de la civilización española*, vol. IV, pt. III; A Cánovas, *Estudios del reinado de Felipe IV* (1888-1889); M. Pedregal, *Estudios sobre el engrandecimiento y la decadencia de España* (1878).

line of kings, Spain experienced a new exposure to European civilization. Through open doors, from France, partly by suggestion and partly by solicitation, came influences and pressures that led to a reorganization of institutions and administration, and there was experienced also stimulation that induced recovery from mental torpidity. A basis was laid on which a slow and painful progress was made toward regeneration. Yet Spain was not Gallicized, and as Carlos Pereyra rightly claimed, when writing of the administrative changes which the Spanish government underwent,

Constituted as a monarchy of the paternal, absolute type, it was transformed during the first years of the eighteenth century into a beaurocratic centralism by the action of the kings of the Bourbon House and, above all, by the systematic efforts of the Italian, French, and Spanish politicians, who imitated the state of Louis XIV; notwithstanding this fact, it preserved the fundamental elements of its traditional organization, in which predominate the system of checks and balances, limitations and responsibilities, which assure the respect for individualism which is characteristic of the race. The machine is, perhaps, top-heavy, but so solid that not even a whole century of agitations destroys it.<sup>6</sup>

At the beginning of the eighteenth century, the Spanish treasury presented a set of baffling problems, which arose from long-tolerated abuses and little income. Despite the increased needs to meet the exigencies of the forthcoming wars, there were deficits, such as in 1701, when according to Altamira the income was 142,340,740 *reales* and the expenditures 247,366,-267.<sup>7</sup> Faced thus with the actuality of bankruptcy, there were various suggestions of ways and means of escape, among them that of Cardinal Portocarrero to the effect that Louis XIV should be asked to send someone of recognized ability who might by instituting reforms be able to correct the abuses and reorganize the administration of finances.<sup>8</sup> Such was the

<sup>6</sup> Carlos Pereyra, *Historia de la América española*, Tomo II, *El imperio español* (1924), p. 292.

<sup>7</sup> Altamira, *Historia de España*, IV, 170.

<sup>8</sup> Danvila, *El poder civil en España*, III, 506.

occasion for the sending of Orry, economic expert and trained administrator, who was to be for many years a minister in the cabinet of the Spanish king. On him and his assistants rests the chief responsibility for the introduction of the *intendencia* and for the execution of other economic reforms. These changes he was able to effect or to initiate despite defects of manner and personality, such as stubbornness, irascibility, and that lack of diplomacy which all too frankly led him to seek to recast Spain, at least in economic administration, in the image of France.<sup>9</sup> Associated with Orry was another Frenchman, Amelot, who sought to overcome the Spanish opposition and jealousy to the introduction of French ideas of administration. More tactful and modest, he has been regarded by some as having had an even greater success and a profounder influence than Orry.<sup>10</sup> Both were mercantilists of the Colbert school; and, therefore, proponents of a highly regulative system. Their theory and practice, if viewed today as mistaken, are to be explained as reflections of the thought and errors of their age.

The office of *intendente* appears to have been conferred by title, as in the case of José Patiño, who was one of the associates of Orry and one of the great Spanish administrators, before the decree of 1718 was issued which established the system.<sup>11</sup> In the form of *intendentes de ejército* or *marina* several men were appointed to the office, some as early as 1711. The decree of 1718 was not generally nor resolutely executed, and it was not until the reign of Ferdinand VI, in 1749, that, with a new *instrucción*, the system was effectively operated. In the meantime, many men thought and wrote about what was needed in Spain. *Memorias*, *representaciones*, and works on the theory and practice of commerce, agriculture, tariff reform, manufacturing, written by such men as Macanaz, Ulloa, Patiño, Ustáriz, Goyeneche, and Campillo served to indoctrinate the

<sup>9</sup> Altamira, *op. cit.*, 170. Cf. F. Rousseau, *Un Réformateur françois en Espagne au XVIII<sup>e</sup> Siècle*.

<sup>10</sup> Altamira, IV, 170-171.

<sup>11</sup> A. Rodríguez Villa, *Patiño y Campillo*. (This volume was consulted through the courtesy of the Harvard University library).

mind, public and private, with the idea of innovation.<sup>12</sup> The administrative services and experiments of Patiño, Campillo, Ensenada and others demonstrated the practicability in large or small degree of some of these ideas. While these projects and efforts were not without fantastic implications—as might be said of the contemporaneous philosophical movement in France—it can be safely stated that the fiscal policies of Spain were destined to experience an introspective examination and that, in time, the institution of intendants—as one of the recurring suggestions of improvement—came to be regarded by reformers, at least, as a verifiable step in progress. Thus in 1768 José de Gálvez could urge in advocacy of the establishment of intendants in the New World,

The glorious prince [Philip V] whom God destined to sustain and restore the vast empires subject to the Spanish sceptre, even in the midst of cruel wars that befel him, took the most active and opportune measures to re-establish his dominions and the happiness which his vassals had lost during the three reigns previous.

One of the means, whose efficacy and utility time and experience have accredited, was the creation of *intendencias* in the peninsula of Spain, under the wise regulations that were gathered in the *Instrucción* published in the year 1718 and were later amplified in that of 1749.<sup>13</sup>

#### ESTABLISHMENT OF THE INTENDENCIA IN CUBA

The system of intendants was not extended to the colonies until the reign of Charles III (1759-1788), and then only after long delay, repeated considerations of plans, and much backing and filling, was it tardily put in practice. The proposal of such extension, however, had been made earlier in the century. In the notable book, *Nuevo Sistema de Gobierno Económico para la América*, thought to have been written in

<sup>12</sup> Miguel de Macanas, *Representación a Felipe V en 1705*; José Patiño, *Memoria . . .* (1720); Francisco Javier de Goyeneche, *Comercio de Holanda* (1717); Jerónimo de Ustáriz, *Teoría y práctica de comercio y de marina para su pronta restauración* (1724); José del Campillo y Cosío, *Lo que hay de mas y de menos en España* (1740); Bernardo Ulloa, *Restablecimiento de las Fábricas y Comercio español* (1740).

<sup>13</sup> A. G. de I., *Audiencia de Santo Domingo*, 146-6-14.

1743 by José del Campillo y Cosio, there was outlined and enthusiastically defended a fairly comprehensive scheme of colonial reform. Although left in manuscript form and not printed until 1789, Campillo's work is supposed to have been known to Spanish ministers and officials. The reforms, which were to follow a series of investigations of colonial conditions by *visitadores generales* that might alter the programme in details, were to include radical changes in taxation and trade policies, the establishment of maritime mail and interior postal services, and the creation of a set of colonial *intendencias*. To Campillo, the great justification of the colonial intendants was the opportunity, afforded by their creation, of doing something for the Indians—by the redistribution of the lands for cultivation, by the education of the Indians in agriculture and the arts, by providing the means for the perfection and exportation of the fruits of the country. He urged the appointment of good men, the endowment of the office of intendant, in the laws of establishment, with ample and independent authority, and the adoption by the home government of policies which carried the certainty of prompt and sufficient support for these newly created officials. Much the same as to ideas and, to a remarkable and intriguing extent, identical through many pages in phraseology was the book ascribed to Bernardo Ward, the *Proyecto Económico*. It was written later, though printed earlier (1779), than the *Nuevo Sistema*. These and certain other works led Professor Priestley to comment with reference to the evolution of Spanish administrative and economic reform in the eighteenth century as follows: "No more concrete evidence is needed, if any were lacking, to show that the reign of Charles III only brought to fruition as best it might those economic ideas which had their beginning with the advent of the Bourbon House upon the Spanish throne."<sup>14</sup>

<sup>14</sup> H. I. Priestley, *José de Gálvez, Visitor-General of New Spain, (1765-1771)*, p. 37. In footnote (pp. 36-37), Professor Priestley makes an illuminating comment on the textual similarity of the works of Campillo and Ward. The full title of Ward's work is *Proyecto económico en que se proponen varias providencias dirigidas a promover los intereses de España*.

Investigations, committee reports, comparative studies of the systems and practice of other imperial powers, and the disasters of the Seven Years' War brought insistently, in one phase or another, the subject of colonial reform to the attention of such men as Campomanes, Aranda, Jovellanos, Arriaga, Esquilache, Gálvez, and Grimaldi. It is probable, also, that much influence was exerted on this course of evolution, by the French minister of state, Choiseul, through his agent in Spain, the Abbé Béliardi, who appears to have supplied suggestions as to content not only, but in part at least provided the impulse to act.<sup>15</sup> At any rate, the way was cleared for this experiment with the colonial intendancy.

In 1762 the British, as an operation of the war, captured Havana and thenceforward for more than ten months occupied the city. This period was one of intense activity in shipping and commerce, with more than 700 merchant vessels entering the harbor. By some this experience of the city is regarded as having been an object lesson to the Spanish government, making it sensitively conscious of the commercial and political value of the island. To this consciousness was added, also, the realization of the strategic significance of Cuba. Spain took pains and made great sacrifices when peace came to recover the island. With possession regained, there was an opportunity for a general house-cleaning, the prosecution of investigations, and the introduction of reforms. With a new governor in the person of the Conde de Ricla (1763-1765) and a *visitador* in General O'Reilly, Spanish rule was restored, fortifications and forts were begun, the military establishment was strengthened in numbers and discipline, new taxes instituted, public works started, and investigations made. For once, at least, in Spanish administration, developments occurred rapidly. The *visita* was hurriedly accomplished and O'Reilly made his reports,—and

<sup>15</sup> For the influence of Choiseul, consult Priestley, *op. cit.*, pp. 37-40. He cites P. Muret, "Le Papiers de l'Abbé Béliardi et les relations commerciales de la France et de l'Espagne au milieu du XVIII<sup>e</sup> siècle" (*Revue d'Histoire Moderne et Contemporaine*, IV, 657-669). For the reaction of Spanish and Cuban people to the taxation plan proposed by Choiseul, see Guiteras, P. J., *Historia de la Isla de Cuba con notas e ilustraciones* (2 vols. 1866), p. 103 ff.

gloomy ones they were too.<sup>16</sup> Other reports were submitted by Gelabert and Rapún—afterwards in the service of the *intendencia*—on revenue conditions and needs. An important modification in trade and official policy was made effective in the provision for a line of mail boats (*navíos de avisos*) to ply between Coruña, Spain, and Havana. On October 31, 1764, was signed the *Instrucción* providing for the establishment of an *intendencia* at Havana for the island of Cuba.<sup>17</sup>

The law of the intendancy would appear to have been the work of Julián de Arriaga, secretary of *Marina y Indias* (1754-1776), who signed the instructions given to the first intendant, Miguel de Altarriba.<sup>18</sup> It should be stated, however, that Governor Ricla ascribed the credit for it to Esquilache, when he wrote that the secretary of *Hacienda* had "perfected the thoughts and chosen the means."<sup>19</sup> At about the same time that the regulations for the *intendencia* were signed (October

<sup>16</sup> O'Reilly to Squilace, December 8, 1763 and O'Reilly to Arriaga, April 1, 1764. Both of these documents were read at Simancas (Archivo General de Simancas, hereinafter cited as A. G. de S.) in Secretaría de Hacienda, Leg. 2342. General O'Reilly's criticisms may be summarized as follows: dearth of funds, robbery of the treasury, extravagance in the financing of the military establishment—one regiment in Cuba costing more than three in Spain,—the laws of the Indies were bad in themselves and worse in administration, need of good men for office and longer terms of service. In the second report, after announcing the formation of four battalions of troops, he stated that he had investigated population, cattle raising, agriculture, industries and commerce. Despite fertility, good ports, fine climate, rich products, and good geographic position, the island was not self-supporting and the public funds did not provide for the necessities of troops, the fortifications, ships, and administration. He exposed certain evils—the lack of means and of courts for the administration of justice, the scarcity and costliness of negroes, the lack of shipping facilities for the export of surplus products, the prevalence of smuggling. He thought there should be freer trade with Spain, establishment of a court at Havana, the relaxation of immigration laws so as to admit certain classes of foreigners to residence.

<sup>17</sup> The *reglamento* for the mail boats was signed August 24, 1764. Cf. M. Lobo, *Historia general de las antiguas colonias hispano-americanas*, I, 234. Consult article "Correos" in J. de la Pezuela, *Diccionario geográfico, estadístico, histórico de la Isla de Cuba* (4 vols., 1863-1866).

<sup>18</sup> Consult José María Zamora y Coronado, *Biblioteca de legislación ultramarina* (1844-1846), III, 597-606. This work contains, with this reference, the instruction to the intendant. The *Instrucción* may be found, A. G. de I., Audiencia de Santo Domingo, 81-6-12. In L. E. Fisher, *Viceroyal Administration in the Spanish-American Colonies* (Univ. of Calif. Pubs. in History, Vol. 15), p. 40, the date of the establishment of the Cuban intendancy is given as 1768; in G. Desdivise du Desert, *L'Espagne de l'ancien régime—II—Les Institutions*, it is given as 1791.

<sup>19</sup> Ricla to Squilace, March 7, 1765, A. G. de S., Secretaría de Hacienda, Leg. 2343.

31, 1764) the *instrucción reservada* (dated March 14, 1765) was prepared for the "visitation" of José de Gálvez to the vice-royalty of New Spain. Many of the articles of the two instructions, particularly those with reference to fiscal matters, are "practically identical in phraseology."<sup>20</sup> Among his powers as *visitador*, Gálvez was granted those of *intendente de ejército*. At about the same time, also, the *junta* or committee appointed to consider the evils suffered by colonial commerce and to suggest remedies made their report (February 14, 1765), outlining some eight charges against the existing trade system and offering a series of remedial suggestions which forecasted some of the reforms later initiated by Charles III and his minister of the Indies, Gálvez. It may be granted, in view of these considerations, that the intendancy established at Havana was a part of a comprehensive programme of reform as well as being a specially conceived device to apply to what were regarded as the needs and conditions of Cuba.<sup>21</sup>

#### THE FUNCTIONS AND ORGANIZATION OF THE CUBAN INTENDANCY

As the law governing the organization and functioning of the Cuban intendancy is appended in translated form, only a brief analysis of the document will be attempted here. (See pp. 113-133). Further, it will be the object of this section of the paper to set forth certain changes made in the structure of the institution and to analyze certain rules and practices that had reference to the relations of the *intendencia*—internal and external.

The project called for an intendant who was to have jurisdiction of two departments—treasury (*hacienda*) and war (*guerra*)—with that over the former practically complete and exclusive and that over the latter limited to matters of finance. It was declared that the Cuban intendancy was to be after the law and manner of the *intendente de ejército* of Castile, but provision was included for modifications to make the system

<sup>20</sup> Priestley, *op. cit.*, (footnote) p. 20.

<sup>21</sup> *Ibid.*, pp. 25-37. Cf. Preamble of the *Instrucción*.

locally adaptable.<sup>22</sup> At the outset, the student of the Spanish intendancy would observe an important difference in jurisdiction, for at that time the intendant in Castile, under the law of 1749, had control of the departments of police and local justice as well as those of treasury and war. In this particular, however, the difference was soon to be abolished, since by royal *cédula* of November 13, 1766, there was decreed "the separation of the *corregimientos* from the *intendencias* through all the kingdom, in order to avoid embarrassments and confusion in the administration of justice."<sup>23</sup>

The intendant was to be the head of what was in design and structure an elaborately organized bureau of government. An idea of this bureau might be derived from the following classification: I. The Central Administration: 1. The intendant,—chief of the *real hacienda*—resident in Havana, with jurisdiction of the whole island; 2. The *Secretaría*, with the secretary and clerical staff; 3. The *Contaduría General*, the important department of records, accounting or auditing, made up of a number of *contadores* of several ranks, assisted by several subordinates; 4. The *Tesorería General* or the treasurer general and assistants, concerned with the safeguarding of funds; 5. The *Administradores Generales* or the collectors of the customs and taxes, with general supervision of this work; 6. The *Juzgado* or the department of judicature of the *intendencia*, there being

<sup>22</sup> ". . . siendo forzoso variar en algunos puntos las reglas qe aqui se observan por no ser adaptables al Sistema, y gobierno de aquella Isla se arreglará el Intendente. . . ." The preamble of the *Instrucción*.

<sup>23</sup> Danvila, *El poder civil en España*, IV, pp. 50-51. He states that the law of November 13th granted "á los corregidores las facultades de justicia y policía que las leyes les concedian, y que se entendiesen con ellos las que la ordenanza de intendentes de 13 de octubre de 1749 prescribia en aquellos dos ramos, con sujeción a los tribunales superiores territoriales y al consejo respectivamente, según la distinción de casos; y declarando, que los intendentes se circunscribiesen y cifraran a los ramos de Hacienda y Guerra, con las facultades y subordinación respectiva; en lo contencioso á los tribunales superiores respectivos, y en lo gubernativo á la vía reservada, para que de ésta suerte cesase toda confusión y desorden en el gobierno." Consult *Leyes XXV-XXVI*, Tit. XI, Lib. VII, *Novísima Recopilación*. It appears, however, that union or separation of the *intendencia* and the *corregimiento* was a matter of choice by the king. According to J. Canga Argüelles (*Diccionario de hacienda para el uso de los encargados de la suprema dirección de ella*, vol. III, p. 419), there were, in 1817, out of twenty-eight intendancies in Spain, six with the union.

concerned in it the court of the intendant, with the intendant and his legal advisor (*asesor*), the *fiscal* of the *real hacienda*, the *Tribunal de Cuentas*, and the Court of Appeals (*Junta de Apelaciones*); 7. The military department made up chiefly of *comisarios de guerra* or inspectors, warehouse keepers, guards, and special agents. II. Local Administration: 1. The *subdelegados* or heads of districts (*partidos*); 2. The local *contador*; 3. The local treasurer; 4. The local collectors of the revenues (*rentas*). In addition, there was a customs guard or patrol, land and maritime; and, on occasion, the intendant might call upon the military and naval forces for assistance. All of these officials were associated with the *real hacienda* and as such were endowed with the privileges of *fuero*, that is, they were, in the performance of their official duties, exempt from the interposition of the ordinary tribunals and subject the administrative law jurisdiction of the *intendencia*.<sup>24</sup>

The intendant was invested with certain powers of appointment and dismissal or, more precisely stated, with those of nomination and suspension. The associated officials or ministers, it is to be understood, were not placed arbitrarily at his

<sup>24</sup> Cf. Art. 106, *Ordenanza General* (Zamora, Vol. III, p. 467); *Real Orden*, August 2, 1819 (*Ibid.*, 476-477); *Real Orden*, Feb. 16, 1766 (*Ibid.*, 478-479); *Real Orden*, July 10, 1832 (*Ibid.*, 479-480). As to the enjoyment of the rights of *fuero*, there were many contests, some of them being frivolous—as one might think today—since they referred to questions of ceremonial precedence; but some were of a more important nature and represented conflicts over administrative independence, as that which was brought to the attention of the Spanish government in 1813 when the intendant on behalf of the auditing department of the army (*contaduría de ejército*) asked the same rights for it as those possessed by the same services of the navy and treasury. These rights, it was alleged, had been invaded by the ordinary tribunals. In the same plight, it was further affirmed, was the *secretaría*. It was contended that the intendant and his staff had their attention distracted from the delicate and difficult tasks committed to their care.

On pretext that the Constitution of 1812, in Articles 18 and 250, had invalidated the grants of *fuero* to the civil or political services associated with the army and had generally destroyed administrative-law jurisdictions, subjecting them to the ordinary tribunals. On the other hand, the intendant claimed that Articles 86 and 87 of the *ordenanza* for intendants of New Spain, which were by the Constitution made operative in Cuba, laid down rules for this type of *fuero*. He asks for resolution of the contest which would “cut to the root” the pretensions of the ordinary tribunals. Aguilar to Góngara, No. 819, May 22, 1813, A. G. de I., P. de Ultramar, Leg. 177.

For statement of the powers and functions of the *asesor*, *fiscal*, and the *Tribunal de Cuentas*, consult L. García y Gragitena, *Guía del empleado de Hacienda de la isla de Cuba* (1860), the citations being respectively to pp. 43-44; 45-46; 53-59.

mercy; but, on the contrary, they were, with the traditional Spanish addiction to the theory and practice of the check-and-balance system of administration, fairly certain of tenure.<sup>25</sup> The intendant was obligated to consult the heads of department, his ministers, and to hold weekly at his house or office a *junta* or conference, at which were to be present the *contador general*, the treasurer general, and the *administradores generales*. † This conference was to consider seven specified items, at least. These included ways and means of increasing the revenues, prevention of fraud, improvement of the service, observance of the laws, examination of unpaid accounts if there were any, reduction or increase of the administrative personnel, and fulfillment by the farmers of the customs of their obligations. He was supposed to consult with this body in times of crisis and on occasions when he proposed to adopt extraordinary or extra-legal measures to meet the exigencies of such periods. Some of these officials had the legal right—and most of them seem to have exercised the privilege—of independent communication with the home government.<sup>26</sup>

Of the intendants much was expected and demanded. Their duties were listed in the law of establishment not only, but they were from time to time increased by subsequent orders and instructions. In addition to the obligations thus specified, the intendant was expected to do what he could for the benefit of the royal interests and service. A conception of the *intendencia* as an ideal may be derived from the royal order of March 26, 1800, which while officially directed to the intendants of Spain, was printed by Zamora y Coronado with the caption "General Functions, common to all *intendentes de hacienda de Ultramar*" as a "guide of direction."<sup>27</sup> We might with profit take a sort of cross-section of laws, treatises, and practice in order to

<sup>25</sup> Despite the statement in the text, which is believed to be true in fact, there was a royal order of May 12, 1777 informing the intendant that he was the rightful superior of the *real hacienda* and its officers, including *contadores*, treasurers, and administrators, and that he had the lawful right to command them. Cf. Zamora, *Biblioteca*, III, 610-617.

<sup>26</sup> Cf. *Infra*, the sections on the duties of the *Contador* as specified in the *Instrucción*.

<sup>27</sup> Zamora, *Biblioteca*, III, 617.

frame a classification of the more important duties of the intendant,—whether that officer in Cuba performed them or omitted to perform them. 1. *As a Treasury official*—Under the special care of the intendant were the collection, safeguarding, auditing, and disbursement of revenues and funds, for all of which rules of procedure were in detail specified, and if not adequately supplied, the intendant was authorized to draw up additional ones. He was particularly concerned with the *cuenta y razón*—a term by which the Spanish appear to have designated the system of double entry bookkeeping, that is, a sort of analytical and explanatory record of receipts and disbursements. The multiplied safeguards with which the Spanish surrounded money, once it became a matter of record, indicated that the *intendencia* was not destined to be free from their pre-dilection for reports and papers. Rather the intendancy was to make an appreciable contribution to Spanish archival wealth. The increase of the revenues, one of the fundamental purposes of the new system, could not be accomplished on any great scale by mere efficiency on the part of the fiscal agents,—whatever such efficiency might do—but such a result required constructive abilities of the intendant; for he was in respect of this problem, of course, involved with the large questions of commercial, agricultural, and industrial policy. In this, he might cease to an administrator to become a thinker and perhaps a statesman. 2. *As to prevention of contraband and frauds*.—Another of the principal and most difficult duties of the intendant was the prevention and punishment of smuggling. The prevalence of contraband trade was notorious; the connivance of officials was admitted; and the elimination of both was, under the circumstances, a vain hope. Yet, in the careful Instruction of July 22, 1761—the provisions of which were made a part of the obligation of the intendant—with many subsequent amplifications, the government in Spain persisted in the attempt at prevention. These duties and the prospect of administrative law cases respecting officials and procedure in the various branches led to the endowment of the *intendencia* with certain judicial powers and functions. As the intendant was

not likely to be a lawyer, he was instructed to provide himself with a legal advisor (*asesor*). This grant of powers and the plan or organization of the *juzgado* were vaguely stated. The lack of definiteness gave rise to many doubts and was, for more than a generation, the source of much trouble, despite numerous attempts at clarification. It may suffice for present purposes to state here that the intendant and his *asesor* constituted a court, as individually did several of the other officers of the *intendencia* in the role of *jueces conservadores*; that the intendant was president of the *Tribunal de Cuentas*; and that, under various forms, there was set up a *Junta de Apelaciones* to consider and decide appeals from the court of the intendant. On at least two occasions in 1817 and 1825, extraordinary powers were conferred respectively upon intendants Ramírez and Martínez de Pinillos, with the grants in both cases relating to the promotion of prosperity and economy, the reform of administration, and the meeting of crises. It will be concluded from this brief analysis that much of the time of the intendant was absorbed in administration, the verification of accounts, and in the work of inspection.

3. *As to the military establishment.*—The intendant was charged with the care of the pay of soldiers and officers, with the purchase, storing, and issuance of foodstuffs and military supplies, with the provision and maintenance of hospitals, with the transportation of troops and equipment, and with the financing of the construction of forts and fortifications. In both the war and treasury departments, it was incumbent upon him to decide whether it was more advantageous to the royal interests to lease to private contractors any of the services and branches or to administer them directly under government control and operation.

4. *General duties as investigator.*—The royal order of 1800 prescribed certain functions of this class. Among them was that of preparing a series of detailed topographic, economic, and descriptive maps of each province and *partido* within the intendancy. Another was that of taking, from time to time, the census of the population.<sup>28</sup> In addition, his office was to be a source of

<sup>28</sup> Under direction of the intendant, the census was taken in the following years, 1774, 1792, 1817, and 1827.

information, and the intendant was to become a teacher of the best methods for the production and extraction of the fruits of the country. He was expected to promote agriculture, commerce, and industry, to increase resources—old and new, and to secure prosperity. He was to be the agency for internal improvements, such as good roads. He was, furthermore, to inspire a respect for law and the rights of property. 5. *As to social service and public welfare.*—He was to do what he could for health and sanitation. By instructing the people in the principles of sanitation, he was to strive to prevent epidemics. If the country and people were visited by natural calamities, such as earthquakes or tornadoes, he was to extend financial aid. By way of concluding this outline of the functions of the intendants, a passage from the order of 1800, which had reference to the qualifications and virtues of such officers, is quoted.

The capable fulfilment of these and the other very important duties committed to the intendants demands that they show certain elevated talents, an exquisite instruction, a consummate prudence, an inflexible probity; it demands, moreover, that, imbued with the spirit which cannot fail to inculcate love of king and country, they find nothing delightful if not sobriety and work at all hours and on all occasions; it asks that they be economical of their time, which they must regard as precious, since at almost every instant there may be furnished them an opportunity to do some good; it asks that they never indulge themselves in frivolous occupations nor know other hours of distraction than those of sleep; and it asks that they show a will just, firm, and constant in order not to be deterred by any difficulties, in order to resist all the artful tricks invented by iniquity.<sup>29</sup>

When all is taken into consideration, Campomanes may be regarded as having expressed a conservative opinion when he wrote that the government expected too much of the intendants.<sup>30</sup>

The *intendencia* of Havana was formally inaugurated on the arrival of the first intendant, Miguel de Altarriba, in February,

<sup>29</sup> Zamora, *Biblioteca*, III, 617.

<sup>30</sup> Campomanes, *Carta* IV.

1765. This intendency remained under the original *Instrucción* or law of establishment throughout its existence, although there were many modifications and supplementary regulations. The need for clarification of the law of 1764 promptly arose because of questions of jurisdiction, especially the *jurisdicción contenciosa*, and the judicial powers of the intendant. Some of these doubts were resolved by the clarifying instructions of August 22, 1766 and January 29, 1767; but ample room was left for controversy—*intra-* and *extra-official*, ceremonial, procedural, and technical—which will be the subject of later comment. As is well known, the *Ordenanza de Intendentes* for New Spain was issued in 1786, providing for a system in many important respects different from that founded in Cuba.<sup>31</sup> In time, the home government thought it advisable to harmonize the plans by making the Mexican system operative in Cuba in so far as the *Ordenanza* of 1786 was adaptable to conditions there. An order to this effect, with the reservation mentioned, was sent out in 1791, and another was issued in 1798; but the probable confusion that would be resultant seems to have led Cuban officials to ignore these orders. The intendency of Cuba was unaffected by the *Ordenanza general* of 1803, in which an attempt was made to render the colonial *intendencias* uniform, for that proposed law referred to the Cuban system as having its own special rules. In 1812, by resolution of the Spanish Cortes and by *real decreto*, it was again commanded that *ordenanza* of 1786 should be observed in Cuba in so far as was possible and practicable. None of these orders is to be interpreted as having superseded the law of 1764; they were by way of amplification of and substitution for particular provisions of that law. As confirming this view, a *real despacho* was sent to Intendant Alejandro Ramírez, October 5, 1815, instructing him to follow the law of 1764, which, although changed in some points, still governed the *intendencia*.<sup>32</sup> On March 23, 1812, however, an important change did occur in

<sup>31</sup> For partially complete copy, see Zamora, *op. cit.*, III, under "Gobernadores-Intendentes," 371-387.

<sup>32</sup> *Ibid.*, 597.

that Cuba was then given three intendancies, the one at Havana being elevated to the rank of *superintendencia* and subordinate *intendencias* being established at Cuba (Santiago de Cuba) and at Puerto Principe. A significant administrative change was made effective in 1802—the separation of the collection of maritime dues or customs from that of the internal revenues—when the Intendant Luis de Viguri put into practice an order to that import which had been previously issued, in 1791.<sup>33</sup>

The distinguished Cuban historian, Ramón de la Sagra, writing of the *intendencia*, divided its history during the period 1765-1818 into four parts: 1. 1765 to 1778, the period of the remaining years of the Royal Company, when the average annual income was 345,190 *pesos fuertes*; 2. 1779 to 1791, under the *reglamento* of free trade, when the average was 577,159; 3. 1792 to 1814, during the period of war and the system of permissive neutral trade, that was intermittently allowed, when the average was 1,165,593; 4. 1815 to 1818, the period of real free trade, when the average was 2,189,428.<sup>34</sup>

A list of the Cuban intendants, with dates of service, follows:<sup>35</sup>

<i>Names</i>	<i>Periods of Service</i>
Miguel de Altarriba .....	1765 to 1773
Nicolás José Rapun .....	1773 to 1776
Juan Ignacio de Urriza .....	1776 to 1786
Antonio de Paz; José Pablo Valiente, visitador; and Domingo Hernani, provisional intendant.....	1786 to 1791
José Pablo Valiente .....	1792 to 1798
Luis de Viguri .....	1799 to 1803
Francisco M. de Acre and Juan J. de la Hoz provisional intendants .....	1803 to 1804

<sup>33</sup> Ramón de la Sagra, *Historia económico-estadística y política de la isla de Cuba*, p. 283. These branches, thus separated, were re-united from 1812 to 1829. At the latter date, the Conde de Villanueva again separated them, issuing a new set of regulations governing the *administradores*. For these rules, see Zamora y Coronado, *op. cit.*, I, 42-47, 51-84.

<sup>34</sup> Cf. Sagra, *Historia física, política y natural de la isla de Cuba*.

<sup>35</sup> A partially complete list of the Cuban intendants may be found in Zamora, *Biblioteca*, I, p. 93. Brief biographies of most of them may be consulted in J. de la Pezuela y Lobo, *Diccionario geográfico, estadístico histórico de la Isla de Cuba*. It is interesting to note that of the intendants between 1765 and 1825, two, Francisco de Arango and Martínez de Pinillos, were Cubans by birth.

Rafael Gómez Ronbaud .....	1804 to 1809
Juan de Aguilar Amat .....	1809 to 1815
Alejandro Ramírez .....	1815 to 1821
Juan Fernández Roldán, Claudio Martínez de Pinillos, provisional intendants .....	1821 to 1822
Francisco Javier Arambarri .....	1823
Francisco Arango y Parreño .....	1824 to 1825
Claudio Martínez de Pinillos .....	1825-

## RELATIONS OF THE INTENDANTS WITH OTHER OFFICIALS

The relations of the intendant and the governor or captain-general were, from the nature of things, bound to be difficult. Despite the solemn charge laid upon the intendant by the law of 1764 to "respect and obey" the governor as the first officer of the island and upon the governor, in his turn, to "honor" and assist the intendant as the chief of the *real hacienda* and the second officer, it appeared to have been anticipated that "harmony" and "agreement" between the two would not always obtain. Thus, their official relations were to be conducted by means of writing and be a matter of record. When the governor requested money for extraordinary purposes, it was to be supplied him if the intendant approved the objects of the expenditure. If the intendant did not endorse the proposal, in whole or in part, he must nonetheless, honor the requisition, although it was permitted him to protest to the governor with all respect a first and a second time. In cases of such disagreement, the intendant was instructed to report to the king the reasons for his objection.<sup>86</sup> Thus, while the intendant might temporarily check the governor and might cause that functionary trouble later by bringing down upon him the royal displeasure, he could not effectively cope with him. The intendant, however, was fairly well protected by legal guarantees. He was entitled to decorous respect from all, including the captain-general, to a uniform, to a staff of office, and to insignia of rank. As to certain of his powers, he was guaranteed freedom from interference, whether from executive or judicial

<sup>86</sup> Cf. Art. 30 of the *Instrucción*.

officials. The position of this dignitary might be more fully and clearly understood from the following documents. The first is a communication from José de Gálvez, written in 1780, when he was secretary of the Indies.

Resolved by the king that the governor and captain-general of that island, when he has occasion to write to you, conform himself to [the style and manner] that His Majesty required of the viceroy of Buenos Aires; so, that you may be informed as to what is communicated at this time to the aforementioned governor, I enclose [a paraphrase of the *real orden*, in which the viceroy was commanded to show proper respect to the intendant]. . . . The great distance of those dominions has led [us] greatly to distinguish the chief officers there created with honors, ceremonies, and powers in order that the inhabitants and transient residents may comprehend in exterior fashion the greatness and sovereignty of the king; and in order to have treated with decorum an officer such as the *intendente de ejército y real hacienda* who is so important to His Majesty that in him is vested the collection, preservation, and disbursement of all branches of the revenue, with complete independence of you; and, on account of these reflections—that he is a *jefe principal*, without other superior than the *Superintendente General de la Real Hacienda de Indias*, whose subdelegate he is—the king ordered the viceroy of Buenos Aires that he and his successors should distinguish the *Intendente de Ejército* of that viceroyalty, beginning their letters, when there was reason for writing him, with *Muy Señor Mío*, and closing with the complete *su mas seguro servidor*. In the same way, His Majesty desires your Excellency and your successors to conform to this style and practice. Thus, I inform your Excellency for your fulfilment and the intendant, at the same time, for his information.<sup>87</sup>

The second is the response to a letter which the intendant José Pablo Valiente had written to the effect that a customary part of the commission to the governor had been omitted. The king, through his minister, in *real orden*, communicated to the governor the following:

The intendant of that island having informed the king that in the *título de gobernador*, sent to you, there was not included the clause

<sup>87</sup> A. G. de I., *Papeles de Ultramar*, Leg. 177, Gálvez to Urriza (Enclosure in a communication of Juan de Aguilar Amat, of Oct. 25, 1811).

in those of your immediate predecessors in which it was provided that the king excepted from their jurisdiction in that island the affairs relative to the collection and disbursement of the branches of *real hacienda* and all of them incident and annexed to it, as well as those pertaining to the economic side of the war department, because control of them belongs originally to that intendant for the whole district of that island, whom you must not impede in any manner in the use of his jurisdiction and powers nor intermeddle on any pretext or cause in the measures he takes; but, on the contrary, you will be obligated to lend him whatever aid he may ask and need for the punctual execution of his duty, it being understood that this royal determination is not new but literally the same that was made applicable to your immediate predecessors in their respective commissions and by involuntary forgetfulness omitted from yours, . . .<sup>88</sup>

In *real decreto* of 1786, it was affirmed that "in the *intendentes de ejército* there must be respected absolute independence of the captain- and commandant-generals of province, with a jurisdiction in their field equal to that of the latter in the military." Yet this independence, even in treasury affairs, must be considered as limited and restricted by the general grant of power to the governors and chief executives, in extraordinary cases, to do what was necessary for the security and defense of the island. Such is the conclusion one must draw from the royal decree of December 16, 1802, and from the royal orders of May 28, 1825, and March 21, 1834.

So far as the *expedientes* reveal, the initial relations of the governor and intendant were harmonious. There is a letter of the Conde de Ricla to the Marqués de Esquilache informing him of the arrival of Altarriba, the organization of his ministry, the formation of *juntas*, and the holding of preliminary conferences.<sup>89</sup> In another communication, Ricla stated that he had promptly recognized the intendant and had given him all due assistance. Further he claimed that, as to the many

<sup>88</sup> Lerena to the intendant, February, 4, 1791, *Ibid.* Zamora, *Biblioteca*, II. pp. 180-181, gives the *real decreto* of Dec. 16, 1802, affirming the grant of independent power referred to in the next paragraph of the text.

<sup>89</sup> Ricla to Squilace, March 7, 1765, A. G. de S., *Secretaría de Hacienda*, Leg. 2343.

doubtful points in the *Instrucción*, he and the intendant had acted in accord, without recourse to representations to the crown. The subdelegation of the *cruzada* had belonged, he stated, to the governor; but he had relinquished it to the intendant, who claimed it as a branch of the *real hacienda*. Ricla stated that he would request his successor not to alter this decision, pending settlement by the home government. In addition the governor and the intendant had agreed as to the issuance of passports and papers of *habilitación y registro*, the former to emanate from the governor and the clearance papers from the intendant.<sup>40</sup>

All was not "peace and charity," however, between these neighbors, as Altarriba showed in a letter of August 16, 1765, in which with respect to the relations of governor and intendant he wrote:

The Conde de Ricla [in a letter] dated May 17th calls my attention to Article 30 of the royal *Instrucción* for the establishment of this *intendencia* indicating to me the validity of the expression in the cited *Instrucción* that I must respect and obey him as the *principal jefe* of the island; and now comes the Teniente del Rey, D. Pasqual de Cisneros, who has the office of governor by accident, with the same recommendation, . . . I shall obey even a sergeant if the king command it, but I must inform you of the difficulties in which I shall find myself every day. . . . If the king has desired to establish in this island an *intendencia* like those of Castile, it has seemed to me that it should enjoy the same independence as those [of Spain]. . . .<sup>41</sup>

In correspondence running from 1778 to 1810 and in *expedientes* requiring hundreds of pages,—all dealing with the proposition to construct or acquire a suitable building for the *intendencia* and the kindred services, there was frequently occasion to comment on the none-too-cordial relations of the intendant and the captain-general. Although the government in Spain approved the idea and authorized construction or pur-

<sup>40</sup> Ricla to Arriaga, June 21, 1765, A. G. de I., Audiencia de Santo Domingo, 81-6-12.

<sup>41</sup> Altarriba to Squilace, A. G. de S., Secretaría de Hacienda, Leg. 2343.

chase, for one reason or another the order was not executed, it being alleged more than once that the captain-general had interfered to block fulfillment. Complaining of one of these interferences, the intendant Aguilar, in 1810, wrote "At the same time, it will not be forgotten that this intendancy has suffered disdain, contradictions, and lack of support from the present governor."<sup>42</sup>

In the administration of Urriza (1777-1786), a man of no little inflexibility and severity, there was friction, the intendant being denounced by the captain-general, Ezpeleta (1785-1789). These disputes led to the investigation by *Visitador* Valiente and to the resignation of Urriza. Likewise there was a lack of harmony between Las Casas (1790-1796) and the provisional intendant Hernani, which situation ended with the return of Valiente as intendant in 1791. These vexatious disputes were renewed during the time of Luis de Viguri (1798-1803), who was a protégé of Godoy and who was described by one writer as "one of the most worthless courtiers of the Prince of the Peace, whose disgrace brought down upon him the law."<sup>43</sup> Later he was a victim of mob violence because of alleged support given to the French. Bitter controversies with Someruelos (1799-1812), the captain-general, and with members of his own staff characterized what was the most inharmonious administration of any intendant. The difficulties of the time possibly excuse some of the disorder of his régime; but, as it was, he adopted policies and was responsible for many political and administrative acts which were then or later disavowed. Despite the protection of Godoy, he was recalled. Provoking many enmities and severely censured, Viguri retaliated with many harsh criticisms, some of which were probably not without foundation. His successor, Rafael Gómez Ronbaud (or Roubaud), likewise was involved in many quarrels with the captain-general. This intendant has been described

<sup>42</sup> A. G. de I., P. de Ultramar, Leg. 175, No. 210, August 20, 1810.

<sup>43</sup> Conde de Toreno, *Historia del levantamiento, guerra y revolucion de España*, II, p. 84. This valuable work was reprinted as Vol. LXIV (1916) of the *Biblioteca de autores españoles*. The reference in this volume is p. 128. For notice of Viguri's arrest along with Godoy, cf. *ibid.*, p. 26.

as suspicious and uneasy, and as having been very sensitive to questions of official prerogative. Sagra wrote that he applied "his intelligence much less in suppressing abuses and disorders (*desarreglos*) than in opposing himself to the continuation of neutral trade and in exciting controversy and rivalry." He was very bitter toward Someruelos and was alleged to have engaged in many intrigues. He complained that the captain-general, with others, was proceeding iniquitously to attack his honor.<sup>44</sup> Juan de Aguilar Amat (1809-1815), represented as honest, old, and slow, and also as stubborn and literal, reported that he had tried to reach an accord with the captain-general, but that he had been thwarted by that officer who contended that he had exceeded his powers. The period, 1799 to 1815, was the time of greatest disharmony between the intendants and the captain-general. After 1815, their relations improved in tone and spirit; so too, it must be admitted, did the intendants in character and abilities. If the relations of the captain-general and the intendant in Cuba were less productive of contention than in certain other colonies, it must be remembered that the Cuban intendant did not have jurisdiction of *justicia* and *policía*. As it was, there was marked jealousy in their respective attitudes.

The limited judicial functions and powers of the intendant were a fruitful source of doubt and controversy. The intendant, with his *asesor* constituted a court before which were tried administrative law cases not only, but those involving infractions of the taxation and trade laws. In a case where a private individual or a group of individuals was one party and the government was the other, we have an instance of the *jurisdicción contensiosa*.<sup>45</sup> Appeal from the decision of the intendant

<sup>44</sup> A. G. de I., P. de Ultramar, *Reservada*, November 7, 1808.

<sup>45</sup> In article 16 of the *Ordenanza General* of 1803, designed to govern colonial intendancies, there was made a definition of certain terms, including *jurisdicción contensiosa*. In part, it was stated "ha de entenderse por *contensioso* todo lo que sea punto de derecho que con razón se reduzca á pleito, y haga forzosas las actuaciones judiciales, como en las causas de contrabando, y en las que se dispute la paga ó adeudo de una cantidad que por su origen, por la cuota, ó por la variación de tiempos y circunstancias ofrezca probable motivo de dudar, ó cuando por la suspensión ó privación de empleo, se queje cualquiera de los ministros que lo pueden

could be taken, and the case re-tried before another local court, called the court of appeals or the *Junta de Apelaciones*. There were many protests as to the number of appeals from the judgment of the intendant. It was asserted that it was too easy to secure recognition of such appeals, thereby reducing the tribunal of the intendant to insignificance. Also, officials of the *real hacienda* were in doubt as to how far they might go when they thought the *Fiscal* of that department to be acting without energy and ability. José Armona, in a letter to Esquilache, October 6, 1765, stated that he observes great zeal in the intendant, but that

. . . in the others, the *Fiscal* as well as the other ministers who compose the *Tribunal de Cuentas* or that of appeals, is noted a certain union—whether for private reasons or on account of the spirit of faction—which accords badly with the service of the king—since accustomed previously to have part in the management of the *real hacienda*, of which they are at present dispossessed, they give very evident signs of their feeling and they have made the tribunal of the intendant illusory by means of revoking its decrees.

There is a species of alliance which has its beginnings in reasons of another day and in patriotism, which in their minds overcomes all others. The intendant hardly ever issues a decree that is not appealed and reversed.<sup>46</sup>

On April 28, 1766, certain officials and tribunals drew up a statement, submitted in twenty-three points, respecting doubts and embarrassments as to the judicial functions of the intendant and as to the system of judicature created for the *real*

hacer; y en estos y otros semejantes casos, sustanciados los autos por el superintendente ó intendentes á quienes correspondan, se admitirán las apelaciones conforme á derecho en la junta contenciosa, la cual conocerá tambien en grado de súplica, y con su sentencia quedarán ejecutoriados, sin mas recurso que el de nulidad ó injusticia notoria á mi supremo consejo de las Indias en sala de justicia, bajo las formalidades prescriptas para ellos; y por consecuencia de esta declaración no deberá calificarse de *contensioso* qualquiera otro asunto en que las partes voluntariamente contradigan, y en que, sin necesidad de otro dictámen basten las mismas reales disposiciones para conocer la malicia y ligereza con que proceden queriendo frustrar, ó á lo menos dilatar el cumplimiento de las providencias gubernativas de que nunca ha de admitirse recurso, sea ó no verdaderamente contencioso el negocio, sin que á ley de depósito se custodie en la tesorería hasta la final resolución." Zamora, *Biblioteca*, IV, pp. 90-91. Cf. Joaquín Escriche, *Diccionario razonado de legislación y jurisprudencia*, III, p. 744.

<sup>46</sup> A. G. de S., Secretaría de Hacienda, Leg. 2343.

*hacienda*. To this protest, on July 7, 1766, a committee formed by order of the king replied resolving these questions in an answer of sixteen points. On August 22, of the same year, in royal *cédula*, the imperial government attempted further to settle some of these perplexities by clarifying the law of establishment of 1764; but the complaints and doubts—probably inevitable in the case of a new constitution—continued. Finally the intendant was informed that where the *Instrucción* did not cover the case he must secure royal approbation for the course he proposed to follow.<sup>47</sup>

In the *Papeles de Ultramar*, there is an *expediente* which gives an interesting and concise history, from 1766 to 1804, of the issues provoked by the *Junta de Apelaciones* and of the various decisions of the Spanish government with reference to them. This document, in translated form, is printed in full.

In Article 25 of the *Real Instrucción*, which was framed for the *Intendencia* of the Island of Cuba, erected in the year 1764, it is provided that the *Intendente* act as president of the *Tribunal de Cuentas*; and, it not being just that if parties feel themselves inequitably treated on account of his decisions they may not have the consolation of appealing and bettering their condition in a second trial—and that, without having to carry the matter to the courts of Spain, it is the royal will that if any persons should want to make use of appeal they carry it to the *Tribunal Mayor de la Contaduría de Cuentas*; that in such cases there be united to that tribunal the *Asesor* of the *Intendencia*, the *Auditor de Guerra*, and another lawyer, named by the Governor and that, with the opinion of these three, the court decide the appeal, the decision being final.

There having occurred various doubts with reference to the article mentioned, His Majesty resolved, in *Real Cédula* of August 22, 1766, that the *Fiscal* of the *real hacienda* be added to the *Junta de Apelaciones*, that this court admit only the appeals from the definitive decisions of the intendant or from the interlocutory decrees which might cause irreparable damage; that a plurality may render decision—in which case those who dissent may, without prejudice, write their votes secretly in the record (*en libro reservado*); that the intendant and his *Asesor* can not be admitted to the *Junta de Apelaciones*; and that in place of this *Asesor* the court shall name another, since the Intendant's *Asesor* must be excluded,

<sup>47</sup> A. G. de I., *Audiencia de Santo Domingo*, No. 235, 81-6-12.

with whose opinion the decision was pronounced against which appeal has been lodged. In another *Real Cédula* of June 14, 1767, it was declared that, in case of disagreement among the lawyers who join in the *Junta de Apelaciones* so that a plurality of opinions can not be obtained, it devolves upon the judges to follow the course that they may consider most proper or to ask that the Governor name another lawyer to assure decision.

The Intendant, D. Miguel de Altarriba, protested showing that the *Junta de Apelaciones* reduced his powers (*facultades*), that the *Junta* was assuming power in the decision of appeals, and that it exceeded itself when imposing fines on the *Asesor* of the intendant.

The Council of the Indies in several *consultas* proposed that these complaints be disregarded and that there was no reason to change the settlement made in the *Instrucción* and royal *cédulas* mentioned. In his order of March 2, 1778, His Majesty resolved that the Council should consider if it would be best to abolish the *Junta de Apelaciones*, since it did not secure the result aimed at in its creation and since it was continually embarrassing the intendant and the *contadores*.

On November 19, 1781, the Council, *en pleno* of two chambers, with previous reports from the *Contaduría General* and the Fiscal, completed its *consulta*. That document showed that in order to prevent the discords between that intendant and the *Junta* the latter be abolished, but it abstained from proposing extinction by considering the matter of the utmost gravity. The Fiscal supported with solid reasons the continuance of the *Junta*, the Council agreeing with his opinion in this respect; but, not approving the several alterations which that officer proposed, it advised that no change should be made in this tribunal, considering it very advantageous to the inhabitants of Cuba, nor that the rules on which it was established be altered.

On March 1, 1782, His Majesty ordered that a copy of this *consulta* and of previous ones be forwarded to the intendant of Havana in order that he should be informed privately on all the particulars they contained so that with full knowledge he could take the steps most suitable.

The Intendant, D. Juan Ignacio de Urriza, completed his report on October 26, of the same year, making a long enumeration of the excesses committed by the *Junta de Apelaciones*, blaming it with having acted with despotism, without subjection to the laws, and above all with declared effort to reduce and make contemptible the authority of the *Intendencia*; and it was his opinion that this establishment, far from being useful for the administration of justice, was on the contrary very prejudicial, and that its abuses could not

be corrected by new rules and precautions, since all the previous ones had not produced effect; in view of which he proposed that the *Junta* be abolished and that appeals in cases of the *real hacienda* be carried to the Council of the Indies.

This *expediente* was sent to the office [of the Secretary of the Indies] in February of 1783 and remained without being acted upon; and, the Marquis de la Sonora [José de Gálvez] who had it among his papers, having died, the *consultas* by dispatch of Valdés, July 22, 1787, were referred back to the Council.

The Council, having received the *consultas* without resolution, again treated the matter *de novo*; and, on July 2, 1791, made report that they did not require any action as the several persons who were sources of the disagreements which occurred between the Intendant Urriza and the members of the *Junta de Apelaciones* [were no longer acting]: so that thereupon, with the change in personnel, the discords stopped and likewise the supposed inconveniences ceased—in the many years that had passed there had not been any complaint either of the *Junta* or against it; on which considerations the Council proposed, and His Majesty in his decision approved, that no change should be made and that if in the future there should occur cause for it, the case would be examined and acted upon as the circumstances demanded.

On the occasion of a circular *Real Cédula*, sent by the Council on October 6, 1783,—in which it was ordered that all appeals in cases of contraband in America be referred to the royal person or to the Council, except those involving foreigners which should be settled in the Indies,—the *Contador Mayor de Cuentas* of Havana, D. Miguel Arnaiz, wrote to this Ministry showing that the said *Real Cédula* should not be executed in that island where there was established a *Junta de Apelaciones*.

This representation being forwarded to the Council, it advised, July 2, 1791, that the *Real Cédula* should not be applied to the intendancy of Havana, owing to the fact that there was established there the *Tribunal de Apelaciones*,—with which opinion His Majesty deigned to conform, August 5th.

In the same year, 1791, D. Andrés de Saavedra, former *Administrador* of the district of Bayamo, made several representations, complaining of the intendant and of the *Tribunal de Apelaciones* of Havana; and official notice was delivered to the Council, February 22, 1792, requiring that it should advise as it saw best as to improving the system of the said *Tribunal de Apelaciones*, as well with reference to the evil method there followed in the proceedings as on account of the increased revenues that might rightfully be obtained.

In consequence of this resolution, the Council again examined this matter in detail, and, in *consulta* of August 4, 1800, reported that it would be advisable to establish in Havana a *Junta Superior de Real Hacienda* after the manner provided in the *Ordenanza de Intendentes* of New Spain, giving into its care not only the administrative law jurisdiction but also the *jurisdicción contenciosa* as regards appeals and other cases of which it must take cognizance; and it was the opinion of the Council that the *Junta* be composed with respect to the *contencioso*—the Intendant and his *Asesor* excluded—of the senior *Contador mayor* of the *Tribunal de Cuentas*—or his associate in case of absence or sickness—the *Contador de Ejército*, the *Asesor* of the Governor, the *Asesor de Guerra*, that of the *Marina*, these three keeping to the order of seniority of their appointments; that also there be present the *Fiscal of real hacienda*, but without vote on account of being [officially] a party in these affairs of justice; and that for the occasion in which any one or more of these lawyers find themselves unable to attend there should be substituted for them the *Asesores* of the *Tribunal de Alzadas*, the *Asesor de Correos* and that of the *Consulado*.

With this judgment His Majesty agreed, and on Nov. 13, 1800, the Council sent the corresponding *cédulas* to the governor of Havana and the *Audiencia* of the district.

The governor, Marquis de Someruelos, in a letter of October 2, 1801, informed the Council of the satisfaction with which the public received the new order concerning the *Junta de Apelaciones*; and that, on account of this as well as because of several verbal representations, he had, as first magistrate of the island, planned to inaugurate the new court; but that he had not done so since the Intendant, D. Luis Viguri, had told him that he [Viguri] would take efficacious measures for the fulfilment of the sovereign will, [at the same time] asking Someruelos not to execute it until a new *Real Orden* came; that meanwhile there occurred grave damages to the correct administration of justice.

In a letter of February 19, 1803, directed to this ministry, Viguri showed that the delay in the opening of the *Junta* in its new form was due to the solicitation of the office of president of it [when organized to judge cases] in the *contencioso* by the *Contador Mayor*, D. Thadeo Taudenes, and to his being opposed by *Contador Mayor* D. Alphonso de Cárdenas, retired (*jubilado*), whom Viguri, after the retirement, qualified to serve provisionally in the tribunal on the ground that this designation facilitated the best dispatch of business.

But Viguri, opposed to the establishment of the new *Junta*, and attributing without foundation [his course of action] to the candidacies of the *contadores mayores*, tried to convince [us] that there

was no reason for changing the old system and that he should continue as president in the *contensioso*, with the proviso that he should not serve in cases of appeal which should arise from his decisions.

This representation was forwarded as the report of the Council, May 29, 1803, which body ordered it sent with antecedent papers to the *Contaduría* and the *Fiscal*.

In this state the affair rested when the Intendant Viguri, in a letter of June 11th, represented that, notwithstanding the fact that to him as chief of the *real hacienda* belonged [the right] of opening the new *Junta de Apelaciones*, and that before verifying it several points must be agreed upon as he demonstrated to Someruelos during the previous January;—[despite all of which] the latter [Someruelos] without awaiting further developments instituted the *Junta* on the 7th of June, declaring Taudenes president, with injury to Cárdenas, who should be president on account of seniority; and in another representation of the 27th following Viguri complained of the violent measures which the new *Junta* had taken in order to replace in office the *Asesor* D. Diego Sedano whom he had suspended, and he asked that proper satisfaction be given him for the insults and injuries that he had suffered, inveighing strongly against the precipitation with which the *Junta* was installed, which body, he said, would cause the gravest troubles to the *real hacienda* and would ruin the *Intendencia*.

In view of these representations, His Majesty was pleased to disapprove of the proceedings of Viguri and those of the *Junta* relative to the suspension and re-instatement of the *Asesor* Sedano, and he ordered that, reverting to the state of things before the said suspension, Sedano should continue in the discharge of his office, sending back to the intendant as well as to the *Junta* complete data of whatever in the affair and its incidents should be considered by them in reaching agreement as to the measure most proper to take; concerning all of which the proper royal orders were sent, August 23, 1803, to the Governor and the Intendant.

On the same date there were sent to the Council the representations of Viguri and one from Sedano in order that, joining them to other documents deposited there, it should frame an *expediente* and should advise, in the briefest possible time, what it should judge opportune; but in *Real Orden*, of September 26, communicated to the governor of the Council, His Majesty resolved that the *expedientes* concerning the disputes of Someruelos, Viguri, and Sedano should be examined in *junta* of ministers by D. Jorge Escovedo, D. Ramón de Posada, and D. Lorenzo Hernández de Alva. To this end all the papers, inclusive of those relating to the *Junta de*

*Apelaciones* were sent from the Council to the *junta*, and, with effect, [for] they completed their report in December of the same year.

In these circumstances and before any resolution had been taken on the report of the three ministers of the Council, the provisional intendant, D. Rafael Gómez Ronbaud sent in a representation dated November 22, 1804, in which after referring to the affairs of Viguri and Sedano and the installation of the *Junta de Apelaciones*, he, supposing that the governor had instituted it arbitrarily by caprice and in order to outrage Viguri, claimed that the *Real Orden* of August 23rd not only disapproved of the proceedings of the *Junta* and of the intendant, but also of Someruelos, since it commanded that they revert to the state of things before the suspension of Sedano; but that, notwithstanding, the *Junta*, which Ronbaud called illegal (*intrusa*), continued, and he summarily attributed to it, according to his practice, all the disorders of Havana and the fact that the debtors neither paid nor had esteem for the chief of the *real hacienda*. For such evils he had no other remedy than that the *Junta* cease and be forever abolished, the causes of which it took cognizance to be carried to the Council as the Intendant Urriza proposed in the report of October 26, 1782, of which mention has already been made.

Finally, Ronbaud said that the *Tribunal de Cuentas* should also be abolished and all the offices of *asesores* and *auditores* of the island, leaving the chiefs [of the *real hacienda*] with liberty to take as *asesores* the lawyers they may prefer; affirming in conclusion that if this measure was not adopted neither could the *real hacienda* act with the proper energy nor ever could be recovered the 2,787,491 *pesos* which were owed [to the treasury]—in which caculation Ronbaud was guilty of grave carelessness, for in a letter of November 22, 1804, number 360, he said that these debts amounted to 4,115,222 *pesos*.<sup>48</sup>

The establishment of the new court of appeals for treasury cases did not immediately end the difficulties and complaints, particularly those with reference to the *jurisdicción contenciosa*. During the administration of Ronbaud, the relations between the intendant and this court were especially inharmonious. He charged the court with having allowed judicial business to fall into a “monstrous state” of disorder. His assessor, Francisco

<sup>48</sup> “Expediente sobre el establecimiento y subsistencia de la Junta de Apelaciones de Havana,” A. G. de I., P. de Ultramar, Leg. 175.

García Quintana, also made charges, submitting a long report which attributed the delays and disorders, the troubles of the treasury department, to the court, whose members were "sons of the country," planters, and by marriage related to one another. The intendant sought to show the necessity of suspending the court in order to restore the treasury. The ministry of the Indies declined to accept this solution. On the other hand, the intendant was censured; and it was pointed out by way of rebuke that in the supporting documents and in the illustrative cases, submitted and analyzed by the intendant and the assessor, no mention was made of the *Junta superior de Apelaciones*; it was further stated that it was not known to the ministry if the court had the least part in the matters offered as a basis of the complaint. The blame for the delay or the failure of justice was said to rest upon the *asesor* and the *Fiscal*. Further it was stated that the only thing evident in the whole affair was the obstinate attempt of the intendant to deprive the *Junta* of its powers and to discredit it. Finally, the intendant was warned not to molest the ministry with "such unfounded and repeated complaints."<sup>49</sup>

Earlier Ronbaud had attacked the court, emphasizing a criticism mentioned above but treated incidentally,—that is, he held that membership in it by native Cubans was a violation of the Laws of the Indies. The law in question (Ley 17, Tit. 2, Lib. 3 of the *Recopilación de las Leyes de los Reynos de las Indias*) was, he insisted, strengthened by a royal order of October 23, 1790. He included a list of members of the *Junta* who were natives (*hijos del país*) urging that their presence in the court, with their local ties and interests, were causes of the evils and delays suffered by the treasury. The intendant was again refused, when it was held that the law and the royal order referred to the non-employment of American-born persons as *corregidores* and *alcaldes mayores*. It was stated that more than "the declamations and personalities" of Ronbaud would be required to prove the contention he was trying to sustain.

<sup>49</sup> Ronbaud to Soler, No. 806, November 7, 1806; *Consulta*, April 1, 1807. A. G. de I. P. de Ultramar, Leg. 175.

It was also plainly intimated that the intendant was acting in league with the European-born Spaniards.<sup>50</sup>

Despite other criticisms, the court of appeals for treasury cases remained, until 1834, under the rule of organization decreed in 1800. In the former year, it was provisionally modified. A permanent organization was attempted in 1836.<sup>51</sup>

The *juzgado* of the intendancy suffered from other difficulties than those of internal organization and dissension. As late as January 18th, 1817, no less an intendant than Ramírez protested "that the jurisdiction of the *real hacienda* in this island is seen very often made contemptible and its employees exposed to frequent outrages." There had been many complaints that, if a treasury officer proceeds against a defrauder or debtor, he finds the local judge in league with the offenders and with the people of the district. If appeal is taken, the parties and the government must have recourse to distant courts which have a different rule of practice, to the great embarrassment of both. Such was held to be of frequent occurrence, and he stated that, as a result, "the rights of the king can not be vindicated with the proper vigor and force; the intendant can not sustain his officers even when it is clear that they have not exceeded their powers; even less can one punish those who impede the exercise of these functions and impair the good administration of the *reales rentas*." Affirming that such difficulties are not experienced by the intendancies of Spain nor by the others of the Indies, where the jurisdiction of the intendants is larger, he proposed to cut to the root of the evil by authorizing the intendants to take cognizance of the excesses committed by the *alcaides* and other petty judges, "in conformity to law and with appeal to the *Junta Superior de Apelaciones*."<sup>52</sup>

<sup>50</sup> No. 738, February 15, 1806, A. G. de I., P. de Ultramar, Leg. 175. The list mentioned interestingly reveals the number and names of the Cubans who were members or who, as substitutes, might become members of the court. They were: the *auditor de guerra*, D. Julián Campos; the *auditor de marina*, D. José Ponce de León; the *asesor de Alcadas* and *síndico perpetuo del Consulado*, D. Francisco Arango y Parreño; the *asesor del Consulado* and *Fiscal de Marina*, D. Manuel Coimbra; and the *asesor de Correos*, D. Jacinto Castellanos.

<sup>51</sup> Cf. Zamora, *Biblioteca*, IV, pp. 95-99.

<sup>52</sup> No. 181, A. G. de I., P. de Ultramar, Leg. 178.

Between the intendant and his own staff, there were frequent instances of discord. It will be recalled that, while the intendant nominated men for office and sometimes appointed them, he was not invested with the power of removal. He could and did suspend officials; but his action was subject to review.<sup>53</sup> The intendant was repeatedly assured, however, as in the case of the royal order of May 12, 1777, that as head of the *real hacienda* he had the authority to command those who served under him,—auditors, administrators, treasurers, and others.<sup>54</sup> There were questions of precedence, there were departmental rivalries—both of which led to acrimonious controversy. Due to participation in the reward for reporting cases of contraband or defalcation, officers might be spies on one another; so the service was without a strong *esprit de corps*. As members of the *Junta de Hacienda*, the ministers of the *intendencia* knew about much of the business conducted, gave advice, and expressed opinions. Some of the high officials, such as the *Administrador general de las Rentas*, and the *contadores* exercised the privilege of communicating directly and independently with the Spanish government. Thus it was that José Armona reported his observations on the difficulties of Altarriba, already mentioned. Much of what was in this way written was critical of the intendant. As in their own right interpreters of royal decrees and orders, at times they individually held up the administration of affairs, as when the *Contador de Resultas* withheld his approval of the treasury accounts of the year 1792, the matter not being settled as late as 1802.

<sup>53</sup> Article 77 of the *Ordenanza* of 1786. In No. 111, Viguri to Soler, August 12, 1800 (A. G. de I., P. de Ultramar, Leg. 175), the intendant states that he has tried to do his duty and to execute the commands and wishes of the king, but complains that there have been embarrassments and insubordination. Two *contadores*, in particular, have lacked respect, have spread dissension among others of the staff, have set a bad example and neglected their duties, and have disobeyed the king. He had been asked by others, and specially by the *contador mayor*, Taudenes, to deprive them of their places. He requested authorization to do so. Viguri was denied the request, his intimate friendship with Taudenes being suspected and the grounds of the complaint not being considered as proved. He was instructed to reprimand the two offenders. If they again neglected their duties, he was to remove them.

<sup>54</sup> Zamora, *Biblioteca*, II, p. 484.

This tardiness caused a minister of the Indies to comment that such maneuvers were "a waste of time and only serve to weary the home government with frivolous appeals that arise more from shameful personalities than from informed zeal for the royal interests."<sup>55</sup> Aguilar, the intendant from 1809 to 1815, averred in this connection that a conspiracy, with the idea of malicious fraud (*estelínato*), as bold as it was successful, had been formed to keep the records of the *intendencia* in disorder. The last three intendants, he stated, had been unable to tell or to know the true state of the treasury, and that he could not calculate how much the *real hacienda* had lost.

#### COMMENT ON THE OPERATION OF THE SYSTEM

Despite all, it is fairly to be said that the establishment and the subsequent influences of the *intendencia* were of immense significance to Cuba and that it brought something like order out of the fiscal chaos of earlier days. Such was the testimony of Pezuela, in spite of the fact that he regarded the Cuban intendants as men inferior in abilities to those who served in Spain. Sagra held that with the foundation of the *intendencia* began the commercial era of Cuba. The statistics would appear to show that, with some vacillation, revenues increased, especially after the Spanish trade law of 1778. However this may have been and to whatever agency it was attributable, Cuba was not self-supporting. As had been the practice since 1585, a subsidy was received from Mexico to cover the deficit. Very fortunately, this economic dependence was ended at about the same time that Mexico became politically independent. Cuba was able in 1822 to balance receipts and expenditures, due perhaps to the able administration of the intendant, Alejandro Ramírez.<sup>56</sup>

Although this paper is not designed to treat the financial history of Cuba during the early period of the intendancy,

<sup>55</sup> Soler to the intendant, February 15, 1802, A. G. de I., P. de Ultramar, *Expediente*, No. 1152, Leg. 176. Also Aguilar to Araujo, No. 939, *ibid.*, Leg. 176.

<sup>56</sup> On the situado from Mexico, typical utterances of the intendants may be found in Viguri to Soler, August 21, 1801 (A. G. de I., P. de Ultramar, Leg. 175); Ronbaud to Soler, No. 943, December 19, 1807 (*ibid.*).

reference to some of the developments and changes in commerce would be pertinent. Down to 1818, the Spanish laws prohibiting trade with foreigners remained technically in force. They were, in part, however, from time to time suspended. Also, with what appears to have been increasing frequency, special licenses were given to individuals. As early as April 14, 1767, in royal order, it was provided that in cases of urgent necessity Cuba might have recourse to foreigners for supplies. In addition, restrictions on intercolonial trade were modified. The Cubans came to be permitted to trade with New Orleans, the two Floridas, Mexico, and New Granada. The struggle for independence on the part of the people of the United States, in which war Spain was associated, added a chapter to the economic history. With Cuba faced by dire immediate results, trade was permitted with friendly states. The restrictions were re-imposed in 1784, with the exception of those relative to the slave trade. With the political and economic crises attendant upon the wars which in time accompanied the French Revolution, the concessions had to be renewed, as they were in 1793, when supplies were imported in neutral ships. The granting of these concessions was contested by the monopolists and the advocates of restriction, in Cuba and in Spain. As a party, they were opposed by a fairly well organized group which favored this form of free trade. The contest between them involved the intendant and the Havana *Consulado*, established in 1794.<sup>57</sup> The concessions, mentioned above, had scarcely begun to be enjoyed when in 1796 they were withdrawn, to the curtailment

<sup>57</sup> Some of the activities of the Havana *Consulado* and its relations with the intendancy, may be traced in the interesting *Obras del Excmo. Señor D. Francisco Arango y Parreño* (2 vols., 1888). On the occasion of receiving a *real orden*, of the 6th of June, 1817, to deliver to the navy department boats that had been armed by the *Consulado*, the Intendant Ramírez paid a tribute to that body, which had acted in accord with the intendancy. As to the order, he wrote: "En tal estado de las cosas, repito, poco había que hacer para el cumplimiento de la última Real Ord. Todo podía continuar como estaba, y hacerse bien y arregladamente el servicio de S. M. que es mi único deseo. Desgraciadamente no sucederá así. Encadenados ciertos ánimos, de una parte se ha visto esta resolucn. como un triunfo del amor propio que se juzgaba ofendido; de otra se ve como un desaire y menosprecio, que en los menos exaltados produce la tibieza y el resfrio para no continuar haciendo sacrificios que se miran infructuosos." A. G. de I., P. de Ultramar, Leg. 178, No. 329, August 2, 1817.

of a thriving trade with the United States and to the economic distress of Cuba. The Spanish government temporized by granting some concessions in 1797, but it re-imposed the restriction again in 1799. In this crisis the captain-general and the intendant agreed to suspend enforcement of the order, keeping the port of Havana open and later authorizing other ports to trade in supplies with neutral powers. Spain accepted this action, in 1801, as a rule of practice, making the trade with foreigners contingent upon the consent of the two officers mentioned. Sagra stated, however, that the fear that the concessions would be temporary inhibited real development of this trade. Indeed, they were cancelled in 1804 and renewed in 1805.<sup>58</sup> After experiencing this vacillation of the home government, the vicissitudes of the Napoleonic wars, the embargo policy of the United States, and the crisis of the war of 1812, Cuba, on February 10, 1818, was granted, by royal decree, free trade with foreign powers, although the grant was accompanied by unfortunate customs regulations.

Some of the intendants were administrators and executives of talent. In such a category, without serious question, would be placed José Pablo Valiente, Ramírez, and Martínez de Pinillos, who inherited the title of Conde de Villanueva and was given many honors. Of moderate capacity Altarriba, Rapun, and Urriza might be estimated. Viguri, Ronbaud, and perhaps Aguilar should be regarded as having been the least capable. It was a capital misfortune for the island that they came at a most critical time.

These various intendants followed different policies, as would be expected,—not so much as to the duties specifically and definitely laid down in the instruction, but as to the implied functions, such as the promotion of prosperity. All were concerned with the problem of contraband, some being severe in their adoption of punitive measures and others considering the problem as being so vast in its ramifications as to be too difficult for successful solution; but most, if not all, submitted reports

<sup>58</sup> Cf. section devoted to the history of Cuban commerce in Ramón de la Sagra, *Historia económico y estadística política de la Isla de Cuba*.

on their efforts to eradicate the evil. Some like Valiente, Viguri, and Ramírez were advocates of free trade not only with Spain but with foreign countries; whereas Ronbaud and Aguilar were critics of that idea, Aguilar being in favor of the trade law of 1778. Valiente, one of the notable intendants, rendered such services that the *Consulado*, informed of his prospective recall, petitioned and memorialized the king that he be allowed to remain, in which effort to retain him other bodies, such as the *cabildo* of Havana, joined. In the statement which the Syndic, Francisco de Arango, was instructed to draw up, that official praised Valiente as having favored commerce, constructed storehouses for sugar, paid old claims that were just, made taxation concessions in behalf of agriculture, advocated wise measures as to the slave trade, collected taxes with efficiency but not with rigor or extortion, greatly increased the revenues, simplified the customs service, enlarged the dock, financed the country with skill during war time, discovered and punished plots to defraud, improved hospitals, and—as having coöperated with the captain-general.<sup>59</sup> Another able intendant was Alejandro Ramírez, who had previously served as intendant of Porto Rico. Coming to Cuba in 1815, he interested himself in fostering immigration and settlement, building new towns, establishing free trade, encouraging public instruction, and correcting or abolishing the monopolies.<sup>60</sup>

■ *Obras del Excmo. Señor D. Francisco de Arango y Parreño* (2 vols., 1888), Vol. II.

■ In No. 660, April 9, 1818, A. G. de I. P. de Ultramar, Leg. 178, Ramírez related to the Secretary of *Estado y del Despacho de Indias* the account of a hasty visit of four days duration to the port of Matanzas. Although he went there to deal chiefly with matters concerned with the *factoría de tabacos*, he took cognizance of several other affairs of importance on which he reported. These included—construction of a pier for the harbor and of a dredge (*pontón*); provision for a customs building; provision for the drainage of certain suburban lands; orders for the improvements necessary for the resumption of the operation of certain salt works; removal of obstructions to the collection of municipal taxes. In addition, he resolved several administrative problems which had arisen in the *real hacienda*. On this whole procedure, he remarked: "Cada uno de estos particulares tenía abultados antecedentes, que llevé conmigo á Matanzas. Una vista ocular de un cuarto de hora, dí mas luz en ciertos negocios, que los mejores informes escritos. Todos estos, y otros incidentes, quedaron determinados en conferencias con el Gober Subdo de Rl Hacienda, individuos del Ayuntamiento Diputación del Consulado, y demás vecinos práles, después de haber inspeccionados los terrenos de la localidad, y los títulos y razones de cada parte." Ramírez, in reply to attacks that appeared

Claudio Martínez de Pinillos, Conde de Villanueva, trained in public finance as secretary of Valiente, was the intendant of longest service, holding this office, with the exception of two short periods, from 1825 to 1851. As in the case of Arango,—who, it might be noted, served as an active member of the Cortes of Cádiz and also as a member of the Council of the Indies under Ferdinand VII,—he was a native of Cuba. Besides many administrative changes, he inaugurated, during his first service as intendant, in 1822, the *depósito mercantil*, where goods could be deposited in bond.<sup>61</sup>

The *intendencia* of Cuba, despite adaptations from the *Ordenanza* for New Spain and despite the many amplifications and modifying instructions and decrees, was of a special order and as such different from the others established in the remaining parts of the Spanish empire. Its success—and, on the whole, despite its clumsiness and its evident inefficiencies, it must be regarded as such—was not considered as an argument for the system. The absence of Indians, the relatively limited jurisdiction of the intendants, and their disproportionate concern with trade and international interests made for a system that was different from the continental intendancies.

in *El Tío Bartolo*, wrote his *Exposición del Intendente de Ejército al público de la Habana*. Pezuela, in his *Diccionario* (IV, 333), remarks that the Spanish government was considering Ramírez as a successor of Canga Argüelles as minister of *Hacienda*.

<sup>61</sup> Pezuela (*Diccionario*, IV, 223), wrote of Pinillos "It would require a volume to detail branch by branch the advantageous changes which one after another Pinillos established in the collection of the customs and in the administration of the internal revenues, now authorizing the opening of the new ports to commerce, now modifying the tariffs in accord with the *Junta Consultativa de Real Hacienda*, now providing for a multitude of public works and constructions in order to expand and improve all the related branches of the administration. . . . There were not lacking some to censure bitterly his operations, but the results and their number, if they did not silence complaints, justified his activities victoriously."

## INSTRUCTION ESTABLISHING THE CUBAN INTENDANCY

(Translation)

*Instrucción* issued to the Intendant who is to establish himself in the Island of Cuba. San Lorenzo, October, 31, 1764.<sup>1</sup>

Experience having demonstrated the advantages which my royal treasury has obtained in the best administration of the revenues, and the army in the security of its supplies, from the establishment of the intendancies in my kingdoms of Castile, I have considered that these same advantages can be secured to the Island of Cuba by founding in it the same system. To this end, I have resolved to create in that island an Intendant, with his residence in Havana, to have jurisdiction of the two departments of Treasury and War, on the same basis as the *Intendentes de Ejército* act in Castile; and it being necessary to alter in some particulars the rules which are here observed on the ground that they are not adaptable to the system and government of that island, I take it as proper to designate the following articles and instructions by which the Intendant shall be governed.

1. The Intendant<sup>2</sup> shall have original jurisdiction over all funds, fiscal services, and taxes of whatever kind or form that may pertain to my *real hacienda* (royal treasury), with all that is incident, dependent, and annexed to it, whether it is controlled by government administration, or is leased, or is collected in whatever other way.

<sup>2</sup> A copy of the *Instrucción* may be found A. G. de I., Audiencia de Santo Domingo, 81-6-12. There are many minor differences in textual form from the copy published in Zamora, *Biblioteca de Legislación Ultramarina*, III, 597-606. The copy made at Sevilla, for instance, is addressed to the intendant in the third person while that of Zamora is in the second. There are some differences in the numbering of the articles of the instructions. Certain of the more significant differences are noted in the footnotes that follow.

My colleague, Dr. S. E. Leavitt, Professor of Spanish, read the manuscript of this translation and made many corrections. He is, of course, in no sense responsible for any errors that may appear in it.

<sup>3</sup> An explanation of the titles of officials associated with the intendencia might be of service. It is arranged with some idea of the relative importance of these officials. *Intendente*: the intendant; *Administrador general*: the collector-general of customs and internal revenue; *Contador*: accountant and auditor; *tesorero*: the treasurer; *fiscal*: prosecuting attorney; *asesor*: judicial advisor who made legal decisions in name of some official who was ordinarily not a lawyer, but who was charged with judicial functions; *Subdelegado*: deputy or local representative of intendant; *Comisario*: inspector; *Guarda almacén*: custodian of supplies; *Mayordomo de la artillería*: artillery officer in charge of supplies for that branch (later called *guarda almacén*); *soles*: customs inspectors; *contralor*: administrative officer of army who had duties with respect to preparation of the *Cuenta y razón* of the artillery; *habilitado*: military officer charged with the collection from the treasury of funds for his unit and of looking after the supplies; *sobrestantes*: labor overseer, a tally clerk.

2. The revenues, divisions, and taxes that at present are collected at Havana are those of the *Almojarifazgo, Armada, Comisos, Alcabala, Oficios vendibles, Novenos, Extrahordinario, Penas de Camara, vacantes, Papel sellado, Derechos de Esclavos, Naypes, Estanco de Gallos, Venta de tierras, Yndulto de negros, Media annata de embarcaciones de Ministros, de Oficios, de Alcaldes, de Tierras, de Titulos de Castilla, Almirantazgo, Quintos, Sisa de Galeota, Sisa de Muralla, Estanco de Sal, Azucar*,<sup>8</sup> and of all of them, and of whatever other tax that may belong to the *real hacienda*, he must have, keeping separate each branch, a perfect knowledge of the circumstances in which they are imposed and on what fruits, goods, or effects; and he must inquire if the collection corresponds to the impost, how and by whom they are managed, under what rules, what incomes they produce, what expenses they suffer—if they are legitimate or should be abolished—what is the current balance in favor of my royal treasury and if it has been placed in the appropriate *arcas* (treasury chests).

3. If the collection in each branch or revenue does not correspond to the impost, he will inquire as to the reason for the change, and if he find in it the continued and uniform operation on all taxpayers as the law has prescribed it, he will make no change; but, if he become convinced that it originates from an evil unwillingly tolerated, and that in the collection there is not observed

<sup>8</sup> The terms employed in this list are not susceptible of being adequately translated in a form sufficiently brief for inclusion in the text: so the Spanish was allowed to stand as in the document. As this article is concerned with the intendancy as an institution and not with the taxation system of Cuba, no elaborate study of these forms of taxes seems necessary. These taxes were analyzed in R. de la Sagra, *Historia económica y estadístico-política de la isla de Cuba*, pp. 224-270. Many of them may be found explained in Priestley, *José de Gálvez*, Ch. x, pp. 312 ff. Consult also the great work of F. Fonseca and C. de Urrutia, *Historia general de real hacienda*, 6 vols., (1845-1853).

*Almojarifazgo*: An import and export tax; *Almirantazgo*: import tax originally levied to support admiral and navy; *Armada*: tax on importations to support West Indian fleet; *Comisos*: fines on contraband articles and goods not in ship's register; *Alcabala*: tax on sales of commodities and real estate; *estanco de naypes, gallos, tabacos, sal, papel sellado*: these were government monopolies and referred respectively to tax on sale of playing cards, cockfighting, and sale of tobacco, salt, and stamped paper required for use in legal transactions; *oficios vendibles*: revenue from sale of non-judicial offices; *vacantes*: income from church offices which went to the Crown in case of vacancies; *penas de Camara*: court fines; *derechos de esclavos* and *indulto de negros* were both taxes on slaves with the first being the head tax payable on importation, and the latter an extra tax charged in case the negro was smuggled into the island; *Novenos*: the part of the tithes that went to the crown; *media annata*: tax on incomes during first year of incumbency, amounting to one-half of the salary at times; *Venta de tierras*: there were several taxes on sale of land, whether private or crown lands; *Sisa de Galeota* and *Sisa de Muralla*: these ancient taxes were respectively levied on cattle to provide against piratical incursions and on wine and whiskey to maintain the Havana walls; there was another tax, the *Sisa de Zanja*, levied on cattle to provide for bringing drinking water to the city; *Titulos de Castilla*: there were several taxes levied on those securing titles of nobility.

equality because there are granted rebates to some and denied to others, in this case he will order that the taxes be collected in strict accord with the law establishing that division.

4. He will ascertain by whom and under what regulations each division is administered; and, if he find that the persons charged with it have fulfilled their duty with zeal, purity, and integrity, he will authorize them to continue; but, if he find and prove that they have failed in the performance of their duties and in the trust that is reposed in their persons in important affairs, with detriment to my *real Herario* (*sic*), not only will he remove them from their offices and install others in their places who will serve me with all zeal and legality, but against them he will draw up decrees proceeding to impose the punishments which are appropriate according to law.

5. If he find the regulations and instructions under which each branch is governed and operated are adaptable to its best administration, government, and security, and to the correct *cuenta y razón*<sup>4</sup> which must come from it, he will order that they be observed inviolably; but, if he becomes convinced that they are not the rules best suited to secure that end, he will frame others to cover the administration which thereafter must be observed, so that there may be assured the collection of rightful taxes, that frauds may be guarded against, and that the *cuenta y razón*, which is necessary in order that every malversation be avoided, may be drawn up.

6. He will examine closely the clerks that are appointed for the administration and auditing of each branch and, if there be only those as are indispensable, he will make no change; but, if he see that their number is excessive or that there are some who should be relieved, he will retain only those who are necessary in order that it may be well named, suppressing the places and offices of those not required; and, if the latter have discharged their duties satisfactorily, he will keep in mind their merit in order to appoint them to other offices where there is need and where they may be useful to my royal service.

7. He will examine the income of each branch and will see if it is in accord with the character of the impost. If it should be so, he will make no change; but, if it should not equal the estimate, he will investigate the deficit and will take the measures that are proper to give the revenue all the increase that may be possible, whether by government administration or by leasing it.

8. He will inform himself, in detail, concerning the expenses which each division incurs and if there are undue burdens. If he find them justifiable, he will allow them to continue; but, if they be excessive, he will reduce them to the minimum and will cut off whatever unjustified burden the revenues may bear.

9. He will inform himself as to the current funds which in each branch pertain to my *real hacienda* to see if they have been placed

<sup>4</sup> The explanation of the term *cuenta y razón* made in the text of the article, *ut supra*, is sustained by Zamora, *Biblioteca*, II, 592-595.

in the *arcas* with the proper punctuality, and he will order that all that may be in arrears be placed in them without delay.

10. If any Administrators, or other subordinates who may have handled my revenues and funds, have not submitted the reports of their offices, he will order that they execute them promptly, with every justification, commanding that the balances that may be acknowledged by them be placed immediately in the *cajas*, and, the reports received and examined, he order the same with whatever other balance that may develop.

11. With the knowledge that he acquires of the character of each branch and what it can produce, he will form a judgment as to whether it is best to lease or to administer it. If he considers the system of leasing more useful, he will formulate the conditions under which the concession must be made, designing them to facilitate the complete collection of the branch, but with the idea of preventing all extortion, excess, and violence, which in no case must be permitted, under pain of punishment with all rigor,—since the lessee [farmer or concessionnaire] in his contract must have nothing to do other than to signify the price that must be paid according to terms that are to be general; and whenever in this way the price may be adjusted according to the character and just income of the branch, he [the *Intendente*] will admit the bids that are made to him, will publish them, will auction them, and will award the lease to the highest bidder; and always he will take care that the lessee fulfil the terms of his contract, with the punctual payment of the rental at the times agreed upon. If he find government administration best, he will name the persons necessary for it and will take care that each one discharge his duty with the exactitude, honesty, and disinterestedness that are proper. It is understood that in the power of granting leases that I concede to the Intendant are not included the import and export customs, or any branch of them, since I wish that these always be administered by the government to the account of my *real hacienda*.

12. In each revenue or branch that is administered, he must frame a set of rules (*reglamento*) for the guidance of the persons who are indispensable, for the good administration, the *cuenta y razón*, and the conservation, such as according to the nature of the revenue may be most suitable for the prevention in so far as possible of all fraud, it being understood that he must impose on the customs collectors the necessary obligation that they look after all the revenues indiscriminately. He will indicate to all those salaries which he considers proportioned to the character, circumstances, and responsibility of the employees so that they have enough to live, but so that they burden the revenues the least possible, since he must be solicitous of the greatest economy. Although the persons he may name must begin to serve their respective offices in consequence of his *reglamentos*, I desire that he send me these same regulations in order that, finding them conformable, I may give them my royal approbation.

13. In addition to the local administrators (*administradores particulares*) of each revenue or branch, he shall appoint a general administrator, who must take charge of the revenues collected in the city of Havana, who must keep in correspondence with all the other administrators of the island, and watch over the discharge of the duties of each one and of all the other subordinates in the manner that will be provided when his obligations are stated.

14. Also there must be established a *Contaduría general* (general board of auditing) for the *cuenta y razón* of all the branches of my *real hacienda* and for those of the war department, artillery, and fortifications, and he will name as *contador* one of my *oficiales reales*,<sup>5</sup> whom he considers most apt and fitted for the performance of the duties of the office, giving me the report for approval. All that enters into the *Cargo y Data*<sup>6</sup> with the corresponding justification, being due to be validated by the *contaduría*, the method that is to be observed will be noticed in the proper place.

15. Likewise there must be established a Treasurer General to receive all the funds that belong to my *real hacienda* and to pay all the obligations against it, and for this office he will name another of my *oficiales reales* of entire purity and integrity, giving me report of the one chosen for approval. Having under his charge the receiving and distributing of the funds of my *real hacienda*, he will be governed in this according to the instruction that will be given to him.

16. In what relates to the new means I have ordered established to collect in Havana and in all the island of Cuba the *alcabala*, reduced to four per cent, the three per cent for the *Casas, Censos, and posesiones*, and the impost on whiskey *de caña* and *zambumbia*, the Intendant will govern himself according to the particular instruction which I held as proper to give concerning the matter, understanding that the several duties which are prescribed in it upon the Governor are transferred to the Intendant.

17. In order that the administration and collection of all and whatever branches of the revenue that belong to me in Havana and all the island of Cuba may have the increase that may be possible according to the nature of them, and that frauds and malversations may be avoided, I desire that the Intendant hold weekly at his house a *junta* (conference) composed of the *contador general, tesorero general, and the administradores generales* and in it there must be given a report to the Intendant of the state of the collections of all and every one of the revenues—as well respecting those under the

<sup>5</sup> The "royal officials" or *oficiales reales* were the early officials appointed for the administrative control of fiscal matters. Their duties are briefly outlined in A. S. Aiton "Real Hacienda in New Spain under the First Viceroy," (*The Hispanic American Historical Review*, Vol. VI, No. 4, Nov. 1926).

<sup>6</sup> The terms *Cargo* and *Data* are to be given technical meaning. They are explained in Canga Argüelles, *Diccionario*, II, 44, 236. They might be rendered as "officially approved entries" and "officially authorized expenditures" of funds. An item admitted to "cargo" or "data" meant that it had been investigated by the proper authorities and found to be correct and conformable to law.

management of the general administrators as under the local collectors,—and if the funds have been placed in the *arcas* having three keys, which must be established as will be prescribed; secondly, a report must be rendered concerning the unpaid accounts they may find, with distinction of each one, the reason that causes it,—on which an agreement must be reached at the same time as to the effective measures to collect them; thirdly, if the revenues are administered, whether or not there is collection of the legitimate taxes that belong to me, without injustice to the subject; fourthly, if among the subordinates there are the intelligence, legality, and purity that are suitable and if all of them fulfil the duties of their offices; in the fifth place, if there are subordinates who, according to the state of the revenues, are not necessary for the good auditing, administration, and security of them; or if it is serviceable to add any,—following the rule of practice that I desire to maintain only those who are indispensable and that those be skillful in the discharge of the duties that are assigned; in the sixth, if there are any taxes illegally collected from the crown; and in the seventh, if the lessees of branches of the *real hacienda* make their payments punctually at the stipulated times.

18. Respecting the seven matters that must be considered in each of the weekly *juntas*, the Intendant will take the measures which he thinks conducive to the best government of the revenues, security of my *real hacienda*, and the avoidance of every injury to it; and concerning all he will submit to me a report, on such occasions as occur for rendering it, dealing with what he considers most advantageous for my royal service, and at the same time he will send reports of each one of the revenues, in which he may show their current proceeds and what previously they produced, so that a comparison made it may be seen whether they have an increase or decrease with the new order and method established.

19. In the Treasury General, which must be established in Havana, the *arcas* must be opened every month, at which time the Intendant is required to be present, and having the *plan* (*sic*) which the *contador* should carry and the *libro* (book) of entries and disbursements, he will assure himself if the fund is intact that should be there.

20. The Intendant must take care that the administrators, general and local, submit their reports at the precise time he signifies to them, and with the formalities that are prescribed.

21. In the weekly *juntas*, he will order the general administrators to bring reports of the incomes—those from the branches they administer as well as those under the charge of the local administrators, and he will examine them in detail in order to see if they are on the increase or the decline, if the expenses are legitimate, superfluous, or supposititious, and if in the administration of each revenue there is the control and economy that are proper.

22. It being my royal will that the Intendant have complete exercise of the *jurisdicción contenciosa* in all the customs cases and

in all the others in which directly my *real hacienda* may have a justified interest, he will exercise it in all the cases of this nature; and, if for it he need aid, I order the Governor to give him all that he asks and needs in order to fulfil his obligation conformable to my royal intention.

23. In order that he may exercise this jurisdiction in complete accord with the dispositions of the law and the royal determinations, and without the least injury to my *real hacienda*, nor to the subjects, the Intendant will associate with himself (*se asesorará*) a lawyer of the best training, judicious, upright, and of accredited conduct, with whose opinion he is to secure the most righteous administration of justice.<sup>7</sup>

24. In the cases involving frauds and smuggling, the Intendant will govern himself according to the Instruction which I saw fit to issue July 22, 1761, deciding them in the briefest time possible and imposing on the criminals the penalties established in it, since the prompt punishment of offences is the most efficacious way of preventing crimes.

25. I desire the Intendant to be President of the *Tribunal de la Contaduría Mayor de Cuentas*<sup>8</sup> established in Havana; and, as it is not just in case persons feel themselves wronged by the decisions of the Intendant not to have the consolation of appealing from them and of improving their state in the second trial without the necessity of carrying the case to the courts of Spain, it is my royal will that if any wish to make use of the remedy of appeal from the decisions of the Intendant they carry it to the *Tribunal de la Contaduría Mayor de Cuentas*; and, for those cases, I order that the *Auditor de Guerra* and another lawyer of satisfaction, whom the Governor shall name, join with the *Asesor* of the Intendant and that the Court, in accordance with the opinion of these three persons, decide the case on appeal, its decision to be final.

26. I desire also that the Intendant take cognizance of all the civil and criminal cases involving customs officers, provided always that these cases proceed from or because of their offices; but, in what relates to ordinary crimes, *juicios universales*,<sup>9</sup> private affairs and relations, they must be subject to the jurisdiction of the ordinary courts,—although they will not be made prisoners by such courts

<sup>7</sup> The *Asesor* or deputy of the intendant in judicial matters was not a regularly appointed official of the intendancy until 1774, when by royal order of Feb. 24, he was made such and given a specific salary. This office remained as long as the *juzgados* of the intendancy survived. When that jurisdiction was suppressed in 1855, there was created a *Juez de Hacienda*, independent of the intendants. Cf. García y Gragitena, *Guía del empleado de hacienda*, p. 43. The office of *Fiscal de Hacienda* or prosecuting attorney, frequently mentioned in the text, was created in 1751. See comment on this office in Zamora, *Biblioteca*, III, 278 ff., and in García y Gragitena, p. 45.

<sup>8</sup> For the *contaduría*, consult Canga Argüelles, *Diccionario*, II, 187 ff. See also García y Gragitena, *op. cit.*, 53-59, and Zamora, *Biblioteca*, II, 486 ff.

<sup>9</sup> *Juicios Universales* is a term which has reference to various kinds of judgments concerning property.

without notice being given to their immediate chiefs so that these officers may place on duty a substitute, to the end that my royal service may not suffer.

27. The Intendant will not allow any municipal or local office to be imposed on those employed in the administration and conservation of the revenues, in order that it may not occupy nor distract them in the performance of their duties and in order that they may give punctual attendance on them; but this exemption is not to be extended to the tributes and royal taxes they incur by reason of their consumption, farms, trades or profits that they have outside of their salaries; for these officers must not only pay them, but they must be the first to do so—because as the more fortunate they ought to set an example to the rest; and the same obligation is understood for the Intendant, as he ought not in this respect to enjoy the slightest privilege.

28. The Agency of Tobacco (*Factoría de los Tabacos*) is governed and instructions and rules have been given which must be observed in it, and I order that in this particular no change be made and that the Governor continue the jurisdiction which until now he has had over it. I desire only that at the weekly *juntas*—which the Governor must hold with the Factor, the *Interventor*, *Contador* and Treasurer, designed to take the measures they consider most useful for the advantage of the sowings, cultivation, and benefit of the tobacco crop, and the purchase of what is harvested at prices agreed upon with the deputies of the districts of the island—the Intendant also attend, occupying the seat that belongs to him next to the Governor; but that in them he must not take other action than to express as to the affairs discussed what he regards as most useful and suitable to the best service and economy of the *real hacienda*, to which end he will cast his vote.

29. If the Intendant, on account of the area of the island, find it expedient to subdelegate the control of the revenues which I concede to him, he will be able to do it in the districts (*partidos*) he considers useful, in order that by this method the administrators may receive more promptly the orders they need for the best government of the revenues and likewise the subjects on whom he administers justice in everything relating to the customs. Especially is he to adopt this plan in Cuba (Santiago de Cuba) and in the other cities of the island, where there may be *cajas reales*, appointing the respective lieutenant governors,<sup>10</sup> so that his subdelegates can every month draw warrants on these treasuries covering obligations of a legally specified character, but of no other kind—extraordinary expenditure of whatever kind must only be made on order of the Intendant.

30. Notwithstanding the powers and jurisdiction that I concede to the Intendant, I desire that he exercise them with proper discretion and maturity, observing in all the most perfect agree-

<sup>10</sup> In *real orden* of August 30, 1777, the right was given to the intendants to choose others than the *tenientes* of the Captain-General as *subdelegados*.

ment and harmony with the Governor, whom he must respect and obey as the chief officer (*principal jefe*) of the island and commandant general of it, and ask him in writing for all the aid he needs fully to discharge his duty; and, reciprocally, I command the Governor to distinguish and honor the Intendant as head of my *real hacienda*, sustaining all his orders, giving him the aid he requests, and proceeding in such accord that the dispositions of the one and the other attest the uniformity with which they act, without other object or desire than of assuring that my royal service is benefited, supporting one another mutually to accomplish it.

31. To preserve this very harmony, it is my royal will that always when the Governor may consider as necessary some extraordinary expenditure, of whatever nature it may be, he notify the Intendant of it in writing in order that he may give the proper orders for its execution, which the Intendant will do, not finding any thing improper in it. If the Intendant, notwithstanding, find that some one or more of the expenditures could be avoided, he will protest with all respect and urbanity to the Governor, expressing in detail and with clarity a first and a second time the reasons he may have for asking that the money be not spent; but, if notwithstanding, the Governor insist that it is necessary to do it, the Intendant will yield and will represent to me the grounds he had for opposing, so that I, aided by his view of the matter, take the course I find fitting for my royal service.

32. The Intendant, being obligated likewise to look after the finances in all that relates to the war department, will observe the most vigilant care in the punctual dispatch of its affairs—that being reduced principally to two points which consist in delivering in money the soldiers' pay and in the maintenance of supplies.

33. In what relates to the first point, he will order that the daily pay (*prest*) be issued to the troops every fifteen days, or by the month at the latest, and the pay of the officers by the month.

34. On the basis of the inspection reports concerning the military units, he will order that the *contador* form monthly his settlements and for the amounts these units are to receive as pay—for the officers and for the soldiers, the proper discounts having been made he draw his warrants, which the Intendant must sign and the *contador* endorse, on which and on receipt from the *Habilitado*, the sergeant major or adjutant, the treasurer in his turn legitimately will make the payment.

35. He will try to avoid issuing drafts for the pay of the troops on the funds of the revenues, endeavoring always that they be on the treasurer so that they be paid more promptly and in order to prevent the excesses which can be caused by the contrary practice; but, if circumstances and accidents that may arise oblige him sometimes to draw on the proceeds of the revenues, he will do it, drawing the warrant, always with the endorsement of the *contaduria*, against the treasurer, who will give the proper acknowledgment (*carta de pago*) as if actually the sum had left the *arcas*.

36. If at any time the funds should not cover the whole amount of the pay of the troops, he will order that the emergency be met by giving preference to the payment of the *prest* and then that the sum that remains for the pay of the officers be distributed among the units equally and in proportion so that there should be no complaint and that all suffer the same arrears.

37. In what relates to the second point, that of the provision of food supplies, he will endeavor to assure it by means of just and proper contracts, governing the conditions and obligations of the contractors, so that they have nothing more to do than to put a price on the supplies, which being acceptable according to the market, he will receive their offers at auction and award the contract to the lowest bidder,—demanding proper securities for fulfilment; but he must include among the terms that the contractors should provide repositories at each camping place so as not to expose the troops to the least chance of lacking supplies, although in view of the military system of the country there rarely can occur such a misfortune.

38. Once the supplies enter the warehouses, although as their property they be at the disposition of the contractors, he will not permit any part of them to be withdrawn without his orders, which he must give with knowledge and information as to the reasons for the desire to remove them.

39. The contractors must make their distributions subject to the orders of the Intendant. They can not deliver supplies except by virtue of receipts from special officers of the military bodies,—the sergeant majors, the adjutants, and the commandants of detachments. Above all, the Intendant will see to it that there are no transactions nor profit-sharing between officers and contractors, punishing such crimes according as the cases and circumstances demand.

40. If during any march the troops consume foodstuffs of the country, the Intendant will order the contractor to collect receipts and pay the cost at the prices current at the camping place where they are taken, forming the required report.

41. When the contractor or his agents shall not have provided supplies of good quality, the Intendant will order that the warehouses be visited by an inspector (*comisario de guerra*) or some other official satisfactory to him, and further that the foodstuffs that are not of good quality be excluded from consumption, taking for this purpose the effective measures he may deem proper. If the necessity for replacement in order to maintain the food supply demand it, he will order, on the account of the contractor, that supplies of the best grade be purchased promptly in quantities necessary.

42. The Intendant will regulate the division of transports for the movement and delivery of supplies so that there may not be caused any injury to the people nor delay to the carriers, to whom

he will order the contractor to pay punctually the costs, which the Intendant himself must determine according to camping places, times and circumstances.

43. If the provision of supplies, by lack of contractors, should be administered directly against my *real hacienda*, the Intendant will name for its direction and management able and disinterested persons, experienced in the economical control of it, and will draft according to the number of troops the requisition for the food supplies needed for their subsistence, and conformable to it he will issue the proper orders for purchasing and assuring them, so that in no case may there be experienced the least scarcity.

44. He will establish the warehouses and repositories that may be needed and will issue rules respecting use and economy that he may consider fitting in order that in the distribution of supplies there may be no malversations, and he will do the same for the bakeries which on his order may be provided for the repositories that are necessary, giving the form and method for the clearest *cuenta y razón* as to consumption, distribution, and expenses, so that the whole of them, their nature and circumstances, may always be evident.

45. If the people, during the period of government control, supply any of the provisions to the army, the Intendant will order that the cost price be paid them promptly at the current rates, without allowing any trouble to arise for them on account of it, and he will do the same for what he regards as the price of transport—which he shall regulate in order that every one may know what he has to collect.

46. He must observe the same rules in what he does for the provision of subsistence for the cavalry, whether by government control or by leasing the service, watching that no unit take more rations than belongs to it according to the inspection reports of the *comisarios*: and, if it is done, let him charge the costs to the unit, apportioning one fourth to the colonel or commander, an equal amount to the sergeant, and the rest to the other officials in proportion to their salaries.

47. If it shall be necessary to supply firewood to the troops, the Intendant will order that it be done according to the number who shall actually be present in service.

48. In case the troops on marches or in camps cause any damage to people, the Intendant will order that they be reimbursed for it by the same military units in the manner that I have provided in the instruction for the *Intendentes de Ejército* of Castile, according to which he will be governed also in the cases in which they may have taken more supplies than necessary to recompense my *real hacienda* for the excess.

49. The Intendant will order that inspection reports concerning the military units and detachments be submitted monthly, and likewise the report of the general staff, for which he will distribute the *comisarios de guerra* as may be necessary; and, if he have not as

many inspectors as are needed, he will qualify for such inspections the officials of the *contadurías* or other members of the ministry as he may consider convenient, but without more salary than they enjoy in their offices.

50. It being expedient for my royal service that there be a sufficient number of *comisarios* (inspectors) to make the inspections and perform the other functions they must accomplish, the Intendant will nominate to me from the officials and members of the ministry and other persons the ones he may consider the most apt and worthy that I may appoint them *comisarios de guerra*—in order that I can grant them this honor with knowledge of their conduct and circumstances.

51. The inspection reports being the principal means of legitimatizing the payments to be made of the *prest* of the soldiers and the others to the war department, the Intendant will watch carefully after the exactitude and formality with which the *comisarios* must proceed—that they make the inspection reports by regimental register, that they explain in their reports with all clarity which soldiers should be considered as present and which absent without leaving doubt to occasion confusion at the time of settlements, that they avoid on the one hand any scaling downward of what rightly belongs to the army and on the other any improper charge on my *real hacienda*; and, in order that it be done with the greatest exactitude, it will be the duty of the Intendant to take cognizance of the inspection reports and to correct in them what shall not be in conformity with the generally established rules.

52. Being under the charge of the Intendant the finances and police of the army and such matter as belong to the war department, the *comisarios ordenadores* and *ordinarios*, the auditors and clerks of the supply division, and of the hospitals must be immediately under his orders, to whom he must give rules and regulations which each one must observe in the punctual performance of his duties.<sup>11</sup>

53. The *contralores*, *mayordomos*, *guarda almacenes*, *comisarios*, and the other subordinates of the artillery must likewise be subject to the orders of the Intendant, and no expenditure must be made unless by virtue of his orders, accompanied by the required endorsement of the *contaduría*.

54. It will be the duty of the Intendant to provide promptly all the supplies for the artillery and munitions of its service—powder, wood, instruments, and all the rest that is needed according to notices that the Governor may give him; but all such must remain in the respective storehouses, each article to have entry in formal inventory, for which an entry against the *guarda almacenes* must be made in the *contaduría*; [and nothing shall be withdrawn from the storehouses without the Intendant's express order, by virtue of which and of the receipt of the person, who is appointed to receive it, the *guarda almacenes* will be discharged of responsibility; but at

<sup>11</sup> In the copy published by Zamora (*Biblioteca*, III, 604) Arts. 51 and 52 are combined as number 51.

the same time, the *contador* will enter charge against the person to whom it is delivered and it will be sustained until he delivers it. And a copy of the effects (*enseres*) that are in each warehouse will be given to the Governor and another to the commandant of the artillery so that they may always have information of what is on deposit.]<sup>12</sup>

55. The Intendant will take particular care that there be in the hospitals the proper cleanliness and neatness and that they be provided with whatever is needed in order that the sick may be cared for as is my royal will, that they lack for nothing, that they do not fail to be supplied with medicines and foods as the condition and state of each demand,—and in this that there be not the least fraud, whether it is by the system of leasing or by administration.

56. In order that there should be the greatest possible economy in the expenses of fortifications, which I have ordered constructed in Havana, and in the other works which may be indispensable for the island, I desire no expense, whatever its character may be, to be incurred in which the Intendant does not intervene, and finding it justified, orders a warrant on the treasurer, with the endorsement of the *contador*.

57. The engineer in control of the fortification works must give the Intendant a detailed list of the implements and tools needed for the project, so that, in time, he may have them made at the least possible cost.

58. As soon as the Intendant has all the implements and tools, he will, with the endorsement of the *contaduría*, draw a warrant for the cost price against the treasurer and will order the articles placed in charge of a *guarda almacén*, who will not surrender any of them without order from the Intendant. This order he will give when the engineer notifies him that the articles are needed, appointing and nominating the *capataz de quadrilla* or *brigada* to receive them, and the warehouseman will take the proper receipt for what he yields.

59. Whenever any tools become defective or any implements wear out, and it may be necessary to replace one or the other, the engineer will submit a list of the pieces that must be replaced, specifying those that are not serviceable or those that are worn out, in order that in his turn the Intendant may give the proper order that others be delivered, collecting those that have become useless, for the release of the *guarda almacén* from responsibility.

60. The Intendant must have at hand the report of the tools and other articles stored in the warehouse and must give notice respecting them to the engineer of the work in order that the latter may inform himself if it is necessary to increase the supply and that the former can do it in time.

61. The Intendant will appoint overseers (*sobrestantes*), as may be necessary, to carry lists of all the workmen, entering them after inspection by full name, in which they will note the daily wage each

<sup>12</sup> The part enclosed in brackets appears in Zamora (*op. cit.*, 604), but not in the Sevilla document.

one receives in order for it to be made the basis of pay at the end of the week according to the report which for this purpose the *contaduría* frames for each quadrille or brigade, using the certified lists of the *sobrestantes*.

62. The Intendant will take care that more laborers are not entered in the lists than the actual number of workers present; and, in order to prevent the fraud which in this matter may occur, he will make inspections, as he thinks proper, of one, two or more quadrilles, asking for the day lists from the *sobrestante*. In this way and on account of the uncertainty of the day and hour the Intendant may make the inspection, he will keep the *sobrestantes* in the greatest vigilance, he will be able to punish those who fail in their duty, and will assure the payment to be legitimate.

63. The engineer will submit weekly a certified report of the quadrilles which have been employed in the work, the workmen he may actually have had, and the wages and salaries they have deserved,—in order that, compared with the lists of the *sobrestantes*, their pay may be assured.

64. Although the Intendant must not intermeddle in anything that relates to the works, that must be constructed,—neither in the character nor the extent of them—he must have original jurisdiction of all the contracts that are made respecting job-work, construction of any part of a definite work, agreements about every kind of material, conveyance, and the preparation of materials whenever considered suitable to my royal service. In accord with the engineer of the work, the Intendant will receive the bids that are made, will provide for the *expedientes* to verify the utility of the work, will publish the bids and will award the contract to the best bidder.

65. On the fulfillment of terms by the contractors in the works or jobs awarded them, and in the conveyance or preparation of materials as called for in their obligation, the sum due them being confirmed by the *contaduría*, a warrant against the treasurer will be drawn for them by the Intendant.

66. There must not be made any expenditure in the work, no matter of what kind, without notice to the Intendant, who whenever he considers it justified and indispensable, will order it made; and in all it must be done so that it is evident in the *contaduría* how much is spent, and so that with its endorsement the funds be paid that are expended for it.

67. Concerning whatever other expenditures the Governor may order made, the Intendant must make representations two times; and, if notwithstanding the former insist, the Intendant will order them made, in the form and circumstances provided.

68. The Intendant will order that the *contaduría* keep the *cuenta y razón* against the treasurer for all funds that enter or leave his possession, that it do the same with respect to the *guarda almacén*—of the implements and tools that may be delivered to him and those he may be ordered to issue—that the one and the other at the end

of each year present reports of their offices, while he will order examined and "glossed" by the *contador* and, no error being found in them, he will approve them.

69. The Intendant, acting with the *Contador General* and the *Tesorero General*, will frame a list of the officials there should be in the *contaduría general* and the *tesorería general*, and in the pay-stations and *contadurías* of the provinces, with the salaries that each one is to enjoy; and, for these offices, he will propose to me from among the persons at present employed and from among those who may have fulfilled their duties completely—proceeding on the supposition that all must be able and gifted to perform the functions of their respective offices to which they may be appointed. In the *contaduría general* their number must not exceed six; in the *tesorería general*, four. This list, the Intendant will mail to me with the regulations he frames for those who are to be employed in the administration of each revenue, in order that finding them regular, I give my royal approval.

#### DUTIES OF THE CUSTOMS COLLECTORS—GENERAL AND LOCAL

70. The *Administradores generales* will carefully watch over the subordinates who are under their orders—that they fulfill their respective obligations; that they collect indiscriminately all the revenues; that all the lawful taxes that belong to my *real hacienda* be collected without injury to the subject, but avoiding the voluntary favors that many used to dispense (*dispensaban*). They will order that the *fielos* note in books which they must deliver in folios and sign with *rúbrica* all the accounts of debtors, with clearness and complete distinction of each case. Of whatever may occur, they must give a report to the Intendant.<sup>18</sup>

71. The general administrator of the customs house must necessarily be in it morning and afternoon during the hours that shall be specified for the movement of commerce, and nothing shall be done without his presence. At the same time he must watch the way in which each one of his subordinates performs his duty and not allow any of them to connive or have intimacies with the merchants, nor that such officers traffic or trade for themselves—on account of the injury which from such tolerance may be inflicted upon my *real hacienda*.

72. In order that the tariffs that are due on all goods, fruits, and effects, carried to Havana and the island of Cuba from Spain or other parts of my dominions, be collected as the law demands, stopping all fraudulent entry, the administrator general of the customs will order the captains and ship masters, whether they be of warships—not excepting the admiral's ship—or of commerce, to deliver to him the registry of what they bring, and that without the slightest distinction he place on them sufficient guards in order that he may

<sup>18</sup> Zamora (*op. cit.* I, 39-41) prints the instruction for the *administradores generales*.

not permit the landing of any goods or effects not included in the register and in order that the goods landed pass in directly to the customs house for the collection of the rightful and established dues—with the understanding that all that is not registered must be taken as contraband (*por de comiso*). He shall have authority to visit all these ships on arrival, after the discharge of cargoes, and whenever he considers it expedient, without the least difference although they may be warships or mercantile craft—as has already been mentioned.

73. No vessel shall be permitted to leave to unload or for any other purpose without the permission of the administrator, who must indicate where they are to go and where they must return in order to register easily and avoid the fraud they could commit.

74. On the vessels which touch in transit at Havana or at other ports of the island, whether warships or mercantile, he will place guards aboard during their stay to prevent the landing of any goods unless shipped to the island; and, if there shall be any part of the cargo for Cuba, that there may not be landed more than the register provides.

75. The general administrators will endeavor to arrange that the guards may not have permanent residence at any of the ports, toll gates, outlooks, or posts to which they are assigned, changing them frequently, without observing an order of alternation, so that they may never know the place to which they must go as collector until the time at which he orders them to proceed to it.

76. The chief guards and lieutenants, they will order to keep watch continuously over all the others in order that each one may do his duty, and any one who may fail in it will be suspended immediately.

77. They will give orders to the patrol (*rondas volantes*) to be in constant movement, to prevent frauds that may be attempted and to cut off the smugglers, giving it for this purpose the appropriate orders concerning stopping places and regions it must guard and informing it of whatever suspicion they have, so that the patrol can take precautions to impede every fraudulent entry.

78. If the administrator general consider it expedient to reinforce the patrol with any troops in order better to assure the service, he will report it to the Intendant in order that the latter may request it of the Governor.

79. They will order all the *fielos administradores*, of whatever revenue, to carry every week to the *contaduría* their books in order to have indicated the correct amount of the proceeds from the taxes that each one respectively may have collected during the week from the branch or branches under their care, and that the fund be placed in the possession of the treasurer general, from which each one will obtain the proper receipt (*carta de pago*), endorsed by the *contador*.

80. There must be established *arcas*, having three keys, in all the administrations—general and local—of the island, where every week they shall enter the funds which the revenues produce, in the

presence of the *contador*, treasurer general, and administrator; and, due to the fact that each one of the three must have his key, they will be equally responsible for whatever loss may be experienced in the fund that must be found in the chests.

81. These *arcas* will be in the *administración general*, and there must not be withdrawn from them any sum without the presence of the three possessors of keys; and monthly they must be investigated by the Intendant in order to assure himself that the funds are in them that should actually be there according to report and the book of entries and disbursements. At the same time, he will order that the fund from the revenues found there be delivered to the *tesorero general* to be appropriated to the purposes for which it may be appointed.

82. In the local administrations, or *partidos*, will be observed the same precaution, placing also *arcas* where funds enter; and, in that generally it will be practicable for the treasuries to be united to the administrations on account of the small deposits, the administrator will have one key and the official *contador* the other, both being responsible for the proceeds of the revenues, because funds must not be deposited nor withdrawn without the presence of the two; and the administrator general will order that the local administrators place monthly all the proceeds of the revenues in the nearest *cajas reales* (chief depositories), collecting from the representative of the *tesorero general* the appropriate *carta de pago*, which he must give as received from his chief, stating in it the name of the local administrator from whom he received the money and the revenues which produced it.

83. The local administrators will send these *cartas de pago* to the general ones in order that, being presented to the treasurer general, he may in his turn execute the formal *carta de pago*, endorsed by the *contaduría* in favor of the local administrator so that it serve him as *data* for his report.

84. The local administrators will submit to their chiefs monthly statements certified by the official *contador* of the proceeds of the revenues under their care, with distinction of each one, and in them it must be stated whether the funds remain in the *arcas* or have been delivered to the agent of the treasurer general.

85. At the end of the year, the local administrators will draft their report, with the required justification of all that the revenues and branches have produced up to the end of December, and toward the last of the following January or the beginning of February they must have it in order and forwarded to the administrator general.

86. In this report, charge must be made against the local administrator of all the proceeds, notwithstanding the fact that on account of the character of the revenues none may have been collected; and he will enter as *data* only the salaries according to regulation, indispensable expenses of the administration, which the intendant must approve if regular, *cartas de pago* from the *tesorero general*, and the uncollected dues, of which report has been made, including ex-

planation of the debtors and the times from which the debts date. Afterwards, he will frame another report, which must be an amplification of the first, giving account of all the uncollected debts and offering for *data* actual payments to the treasury general; and this report he must deliver to the administrator general at the end of May or the first of April (*sic*) of each year.

87. The administrator general must include in his report all those of the local administrators with complete distinction and clarity, and during all the month of May he must have it in order and presented to the *contaduría general* for its receipt, settlement and glossing; and the amplified report, including also that of the local administrators every June.

#### DUTIES OF THE CONTADOR GENERAL<sup>14</sup>

88. In the first place, he will take account of this instruction, keeping a copy among his books that it make evident to him distinctly the powers and rule of practice of the Intendant and the others included in it, and he must do the same as to the instruction which I saw fit to send on March 23 of this year respecting the imposition of the *alcabala*, the three per cent of the current revenues of *las casas*, and *censos* and *posesiones*, and the *arbitrio* of two *pesos* per barrel of whiskey, and a *real* of silver on that of *sambumbia*, and with all the orders that I have considered it proper to send on this matter. Likewise, he must set up and have personal knowledge of his books covering all the branches, revenues, or taxes that in whatever way pertain to my *real hacienda*, in order that at no time they be hidden and that he can make report concerning them to the administrators, in case they have not included them in their reports on account of forgetfulness or malice.

89. In the same way, he must take account of the leasing of revenues, which the Intendant may make, of the regulations which he may set up for the administration of branches that are governed subject to my *real hacienda*, of the orders and dispositions he may announce for its better management, and of all that may operate to instruct his office concerning the whole direction of the revenues.

90. It will be the duty of the *contador* to audit, separately and clearly, all the funds which the administrators, general and local, deposit with the treasurer general, of whatever revenue, branch, or effect, naming and distinguishing each one, and to record all the *cartas de pago* which the treasurer general may give, for lacking this indispensable evidence he will exclude them from the *data* of the administrators, general and local.

91. The revenue funds must be placed every month in the *arca* of three keys, as was provided in the instruction for the administrators general and local, and at the end of the month they must be delivered to the treasury general, which disposition, the *contador* will have under his particular care, so that it be done without the

<sup>14</sup> Zamora (*op. cit.*, II, 450-452) prints the instruction for the *contador general*.

least fraud, since he will be responsible, as he will also be for the fund which may be lacking during the month because of not having been placed in the *arcas* weekly in the manner provided.

92. He must receive, gloss, and settle annually the reports from all the branches of my *real hacienda*, which the general administrators will submit to him, and he will take particular care that there be not omitted from them any lawful *cargo* of each one, verifying by the books of the *fielles* or by the records which the subordinates have kept, in whose charge the collection of the taxes may have been. He will not admit to *data* any item nor any sum unless it be of actual delivery to the possession of the treasurer-general, certified by *cartas de pago* properly endorsed, salaries according to the regulations of each revenue, regular and necessary expenses of administration approved by the Intendant.

93. If in the "credit or debit" (*cargo* or *data*), there are presented to him any doubts or errors, he will expose them, framing a statement of them, and will deliver it to the administrator-general that he may satisfy them. If he can not do it to the *contador's* satisfaction, the latter will report it to the Intendant in order that concerning the doubt that remains he may determine what should be done—so that no reports may remain pending without resolution.

94. The reports, being acceptable, he will gloss, settle and deliver them to the Intendant, in order that he, finding no error in them, may order him to give to the administrator-general his quittance, with a statement of whatever result there may be found in them.

95. These reports, after being received, glossed, discharged, and the quittance given for them, the *contador* will deliver the originals, with all the papers of justification, to the *Tribunal de la Contaduría Mayor* in order that they be reviewed and deposited in the archives.

96. For the revenues that are leased, he will draw up the proper *cargo* against the lessees, and he will carry for them their *data*, which is to consist of cash deliveries made to the hand of the treasurer-general, verified by *cartas de pago*, which he may give them, endorsed by the *contador*; and he will take great care that they pay the price for the lease at the times stipulated.

97. If the contract or lease be for more than one year, the *contador* will report to the Intendant that the lessee has met the payments according to his obligation; and, always if he be solvent, the Intendant will send him the proper authorization to continue for the ensuing year in the free administration of the revenue or revenues, which his grant includes; but, if he be found with unpaid balance, he will be notified to pay it promptly, and not having done it by the beginning of the year, the Intendant will intervene to collect the revenue on the lessee's account and risk.

98. At the termination of the contract, the lessee must present his report to the *Tribunal de la Contaduría*, where he must be taken to give oath and signature—with the penalty of losing trebly if the truth be not told—and he must include in the *cargo* all the proceeds

that have come to him year by year, and in the *data* the price of the lease, the salaries he may have paid out, and the expenses of administration—in order in this way to come to a true knowledge of the worth of the lease that it serve as guide for successive leases and there be known the profits he has enjoyed. Finding the report regular, the lessee will be given his quittance.

99. If those who have managed the revenues or branches of my *real hacienda* shall have given no report, the Intendant will order that they do it and deliver it to the *contaduría general*; and the *contador* will receive them with every justification. If they come, however, confessing some unpaid balance, he will give notice to the Intendant in order that the latter, thereupon, may command them to pay it to the treasurer-general, collecting the required receipt. If after examining the reports there is found some other deficit, the *contador* will again inform the Intendant that it be paid and that, being done, the quittance be ordered to be issued; and these reports thus cleared, the *contador* will deliver them, with the papers of their justification, to the *Tribunal de la Contaduría Mayor* in order that they be reviewed and filed in the archives.

100. In what relates to the department of war, not the least expenditure must be made without the endorsement of the *contador*; and, in order that he may be guided in the payments and settlements according to my royal determinations, I desire that there be delivered to him the regulations and ordinances which I have considered it convenient to send concerning the body of troops I have resolved to have in Havana and the island of Cuba, their pay, service and discipline, and the orders that have been given for their establishment.

101. [I desire] likewise that all the contracts be delivered to him which the Intendants may make concerning the provision of food supplies, subsistence for the artillery, ammunition for its service, powder, wood, and other articles that are needed, tools and implements for the fortifications and whatever other agreement that is made respecting jobs or parts of works which may be considered beneficial to my royal service, together with all the orders and dispositions given from which arise any expense whatever, so that, informed of all, he can fulfill his duty in each part of the many which the military branch include and which must be under his care.

102. In consequence of the order which the Intendant must give every month for the general payment of the troops, the *contador* will frame the respective adjustments of pay of the regiments of infantry, cavalry, dragoons, artillery, or whatever isolated unit or company there may be according to the inspection reports which the *comisarios* turn in; and he will not include in them for any reason more soldiers than by these same inspection reports are declared present.

103. From what he decides to be the proper pay for any unit, the discounts ordered being made, he will draw the appropriate warrants on the treasurer-general in favor of the sergeants-major.

adjutants, or officials found to be authorized to receive them, which he will send to the Intendant for his signature; and, afterwards, he will record them, keeping a copy, and will deliver them to the interested parties for collection of the amounts.

104. Also, the *contador* will each month draw up and will keep a record of the warrant the Intendant may give in favor of the sutler providing food for the troops, according the settlement that he may make, and these drafts with the receipts of the sutler or the persons authorized to receive the money must serve as lawful *data* to the treasurer-general.

105. In all the rest of the work of auditing and accounting which the *contador* must perform for all the branches of war, artillery, and fortifications, he will be governed entirely by the instruction given to the *contadores de ejército* of Castile in 1718, of which for his information and guidance a copy is enclosed, and by what in each particular is provided for the Intendant in this instruction; and, if there arise any incident which is found not comprehended in one or the other, the whole affair being controlled so that there be the proper *cuenta y razón* to prevent every malversation against my *real hacienda*, the *contador*, in accord with the Intendant, will establish the rule that is most expedient in securing the end.

106. Respecting the subsidies, which annually are sent from Mexico for the subsistence of Havana and all the island of Cuba and for the fortifications which I have ordered constructed, and which must also enter into the possession of the treasurer-general, he will prepare their *cargo* and carry their record, keeping separate the appropriations, auditing the warrants issued for the respective purposes; and, if attempts are made to divert these funds to other ends, he will make representation to the Intendant, showing it to be an expenditure foreign to the purpose designated, in order that he latter may cancel the warrant; but, if the Intendant, notwithstanding, order him to endorse the warrant, he will do it and will inform me, stating the reasons that may be given for it, so that I, with his views before me, take the proper measures.

[There follow, 107 to 125, the instructions respecting the obligations and duties of the treasurer-general and his subordinates, which being in the main technical and having little in them requiring discretionary exercise of power by the Intendant, are omitted. Article 126 contains a general grant of power to the Intendant; and, being pertinent to our theme, it is included.]

126. If, notwithstanding the rules hereby provided, there arise any case that is not found comprehended in them, report will be made to the Intendant in order that he, following the object and end to which these royal instructions are directed, may determine what must be done in it; and the same will be practised, if, in the observance and use of this instruction any doubt present itself.















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